



Ken Burke, CPA

CLERK OF THE CIRCUIT COURT AND COMPTROLLER
PINELLAS COUNTY, FLORIDA

Clerk of the County Court
Recorder of Deeds
Clerk and Accountant of the Board of County Commissioners
Custodian of County Funds
County Auditor

Division of Inspector General

510 Bay Avenue
Clearwater, FL 33756
Telephone: (727) 464-8371
Fax: (727) 464-8386
Fraud Hotline: (727) 45FRAUD (453-7283)
Clerk's website: www.mypinellasclerk.org

REPORT NO. 2019-14

June 3, 2019

Frank A. Barbieri Jr., Esq., Board Chair
School Board of Palm Beach County
3300 Forest Hill Boulevard, Suite C-316
West Palm Beach, FL 33406-5869

RE: Investigation Of A Complaint Filed With The Palm Beach County School District
On October 23, 2018, Alleging Misconduct or Other Wrongdoing Involving the
Palm Beach County School Board Office of Inspector General's (OIG) General
Counsel (Respondent)

Pursuant to the Interlocal Agreement for Provision of Inspector General Services
between the School Board of Palm Beach County, Florida and the Office of the Clerk of
Circuit Court and Comptroller of Pinellas County, Florida, the Division of Inspector
General received allegations of fraud, waste, and abuse.

The Complainant, Alexander D. del Russo, Carlton Fields Jorden Burt, P.A., alleged
that he, "...notified the Board of certain uncomfortable information, unrelated to the
merits of the Lawsuit, that was revealed during the discovery process." The referenced
lawsuit is, "Angelette Green v. The School Board of Palm Beach County, Florida" (Case
No. 18-cv-80488-Middlebrooks, U.S. District Court, Southern District of Florida). "The
allegations are unrelated to the merits of the lawsuit and the included the following
information:"

- "...communications exchanged between the Plaintiff, Ms. Green, and
Counsel for the Inspector General, Elizabeth McBride, Esq., both
before and after the Lawsuit was initiated, indicating that Ms. McBride
may have been assisting the Plaintiff with the Lawsuit.
- communications between the Plaintiff and Ms. McBride alleging
improprieties on behalf of the Inspector General...



An Accredited Office of
Inspectors General

Generally, this kind of information raises concerns of an employee's potential breach of confidentiality, of the duty of loyalty and other fiduciary duties, and of conflicts of interests. These concerns are exacerbated by that fact that Ms. McBride, as an attorney, owes additional duties to her client under the Bar's Rules of Professional Responsibility."

The Complainant provided the following documentation to assist with the investigation:

- Copies of the text communications exchanged between the Plaintiff and Ms. McBride.

To determine whether the allegations were substantiated, we reviewed policies, procedures, and any other records deemed appropriate. We also conducted interviews of staff and other parties, as needed. Our investigation was performed according to the *Principles and Standards for Offices of Inspector General* and *The Florida Inspectors General Standards Manual* from The Commission for Florida Law Enforcement Accreditation.

The Pinellas County Division of Inspector General (PCIG) uses the following terminology for the conclusion of fact/finding(s):

- **Substantiated** – An allegation is substantiated when there is sufficient evidence to justify a reasonable conclusion that the allegation is true.
- **Unsubstantiated** – An allegation is unsubstantiated when there is insufficient evidence to either prove or disprove the allegation.
- **Unfounded** – An allegation is unfounded when it is proved to be false or there is no credible evidence to support it.

The PCIG's investigation of the allegations has determined that:

1. Communications exchanged between the Plaintiff, Ms. Green, and Counsel for the OIG, Ms. McBride, both before and after the lawsuit was initiated, indicating that Ms. McBride may have been assisting the Plaintiff with the lawsuit - this allegation is **unsubstantiated**.
2. Communications between the Plaintiff and Ms. McBride alleging improprieties on behalf of the Inspector General - this allegation is **substantiated**.

Our analysis of the complaint, our findings, and recommendations are presented herein.




An Accredited Office of
Inspectors General

Frank A. Barbieri Jr., Esq., Board Chair
June 3, 2019
Page 3 of 13

We appreciate the cooperation shown by the staff of The School District of Palm Beach County during the course of this investigation.

Respectfully Submitted,



Hector Collazo Jr.
Inspector General/Chief Audit Executive

cc:

Ken Burke, CPA
Pinellas County Clerk of the Circuit Court and Comptroller
Ex Officio County Auditor

Lung Chiu, Inspector General
School District of Palm Beach County
Office of Inspector General

Dr. Donald E. Fennoy II, Ed.D., Superintendent
School District of Palm Beach County



An Accredited Office of
Inspectors General

A. THE COMPLAINT

On October 30, 2018, we received a complaint sent to Chuck Shaw, Chairman of the School Board of Palm Beach County (PBCSB), and Dr. Donald E. Fennoy II, Ed. D., Superintendent of the School District of Palm Beach County (PBCSD), related to Elizabeth McBride, Esq., OIG General Counsel (Respondent). The Complainant alleged that he notified the PBCSB, during an attorney-client session on October 17, 2018, of certain uncomfortable information that was revealed during the discovery process for a lawsuit, “Angelette Green v. The School Board of Palm Beach County, Florida” (Case No. 18-cv-80488-Middlebrooks, U.S. District Court, Southern District of Florida). The complaint stated that the uncomfortable information, unrelated to the merits of the lawsuit, included the following:

- *“...communications exchanged between the Plaintiff, Ms. Green, and Counsel for the Inspector General, Elizabeth McBride, Esq., both before and after the Lawsuit was initiated, indicating that Ms. McBride may have been assisting the Plaintiff with the Lawsuit.*
- *communications between the Plaintiff and Ms. McBride alleging improprieties on behalf of the Inspector General...*

Generally, this kind of information raises concerns of an employee's potential breach of confidentiality, of the duty of loyalty and other fiduciary duties, and of conflicts of interests. These concerns are exacerbated by that fact that Ms. McBride, as an attorney, owes additional duties to her client under the Bar's Rules of Professional Responsibility.”

B. BACKGROUND

Understand what is required of PBCSD employees, specifically the Counsel for the OIG, Respondent.

We reviewed the PBCSB Policies, Policy 3.02 - Code of Ethics, last revised June 7, 2017, which states:

“1. Purpose and Authority

The School Board of Palm Beach County (Board) believes it is imperative that public officials and public employees act in the highest ethical manner and preserve the public trust. To carry out the important duties and responsibilities entrusted to the Board, Superintendent and Board/District employees, it is important that clear, comprehensive ethical requirements be established so that members of the public will have confidence in the operations of the Board and the management of the Palm Beach County School District (District). To ensure the citizens of Palm Beach County and

the State of Florida a degree of accountability within the School District, this Code of Ethics is designed to protect the health, safety, and general welfare of students and employees and to define unethical conduct justifying administrative or disciplinary action.

It is the Board's intent to create a culture that fosters trust, a commitment to excellence and responsibility, personal and institutional integrity, and avoids conflicts of interest and appearances of impropriety. Thus, the Board Members, the Superintendent, administrators, teachers and other employees of Palm Beach County Public Schools, as public servants and educators, are to be bound by this Code of Ethics. The term 'employee' as used herein, applies to all these groups regardless of full, part time or interim status. This policy shall extend also to the District's guests, invitees, and volunteers while they are on District property or are participating in District-related activities.

All Board Members and employees shall adhere to this policy, the 'Code of Ethics for Public Officers and Employees', as set forth in the Florida Ethics Code, Part III of Chapter 112, Florida Statutes, and the 'Principles of Professional Conduct for the Education Profession in Florida', Chapter 6A-10.081, F.A.C., and the 'Ethics in Education Act', Chapter 2008-108, Laws of Florida, as now or hereafter amended, which are incorporated by reference and made a part of this policy. This Code of Ethics shall be viewed as additive or supplemental to the above state laws, rules and regulations. To the extent this Code of Ethics is not in conflict with any laws, regulations or School Board policies, this Code of Ethics shall control. Specific authority for the adoption of this policy is provided by Sections 112.326 and 1001.42, Florida Statutes.

2. Application and Enforceability

The Code of Ethics applies to all Board Members and employees and extends to guests, invitees, and volunteers while they are on District property or are participating in District-related events. Violations of this Code of Ethics may result in administrative or disciplinary action, up to and including suspension, dismissal, or other actions as required by law. This Code may apply when the conduct of the employee occurs on or off District property, at a school sponsored event or non-school sponsored event."

Policy 3.02 - Code of Ethics, **4. Accountability and Compliance**, states:

"Each employee agrees and pledges:

- a. To provide the best example possible; striving to demonstrate excellence, integrity and responsibility in the workplace...*

- e. *To create an environment of trust, respect and non-discrimination, by not permitting discriminatory, demeaning or harassing behavior of students or colleagues.*
- f. *To take responsibility and be accountable for his or her acts or omissions.*
- g. *To avoid conflicts of interest or any appearance of impropriety...”*

We reviewed Florida Statute Chapter 112, Part III Code of Ethics for Public Officers and Employees, which states:

“112.311 Legislative intent and declaration of policy. –

(1) It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist...

112.312 Definitions. –

...(8) ‘Conflict’ or ‘conflict of interest’ means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest...

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys. –

...(8) DISCLOSURE OR USE OF CERTAIN INFORMATION.—A current or former public officer, employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.”

We reviewed Florida Bar (Bar) Chapter 4. Florida Rules Of Professional Conduct Preamble: A Lawyer’s Responsibilities. The Bar rules of professional conduct are not designed to be a basis for civil liability and violation of a rule does not necessarily mean discipline is appropriate; nor is there an automatic requirement that misconduct must be reported to the Bar. Rule 4-8.3 governs reporting suspected professional misconduct (defined in Rule 4-8.4).

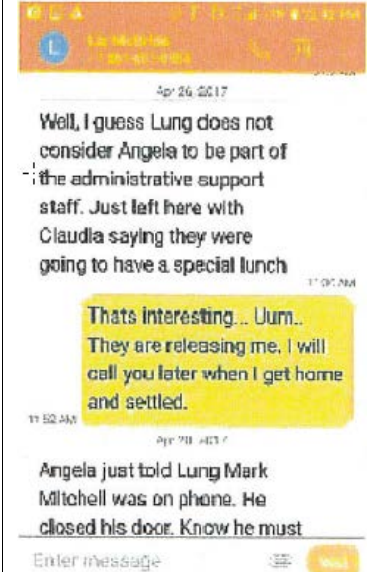

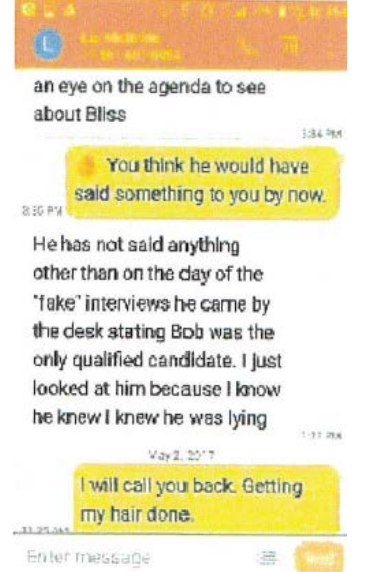
C. ANALYSIS, FINDINGS, AND CONCLUSIONS

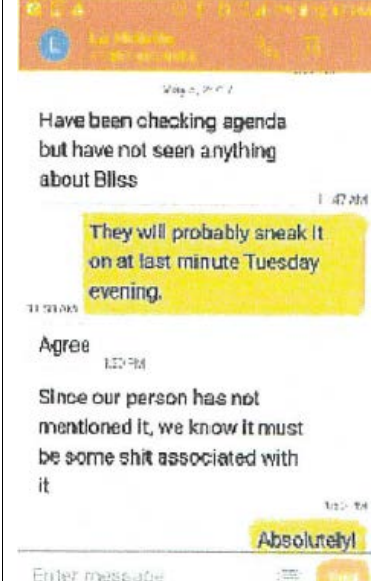
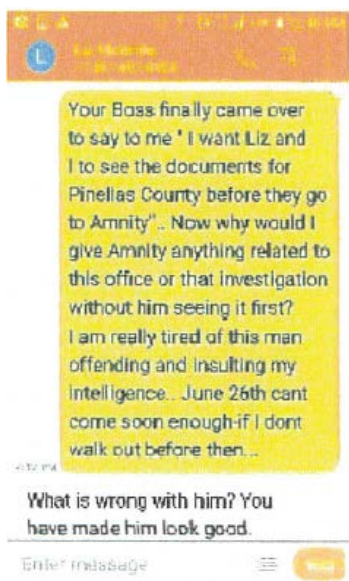
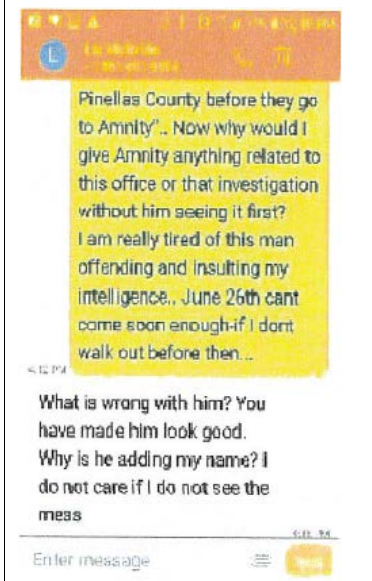
1. Determine if the communications exchanged between Ms. Green (Plaintiff) and Ms. McBride (Respondent) assisted the Plaintiff with a lawsuit.

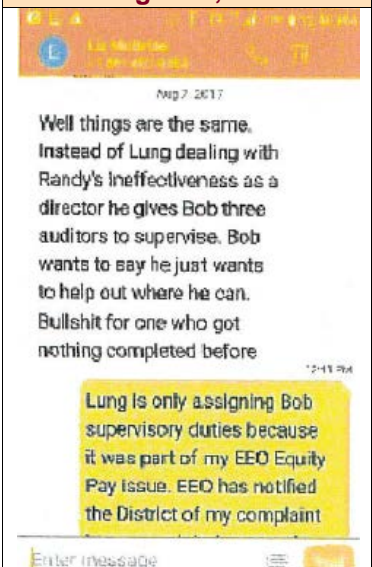
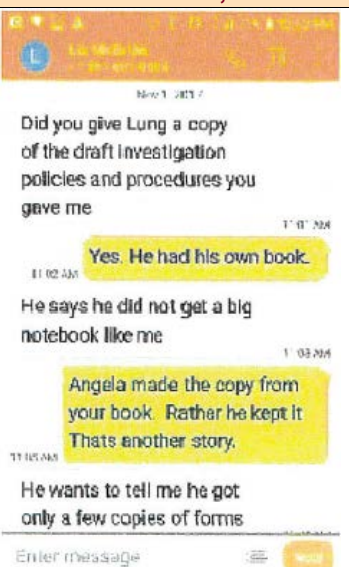
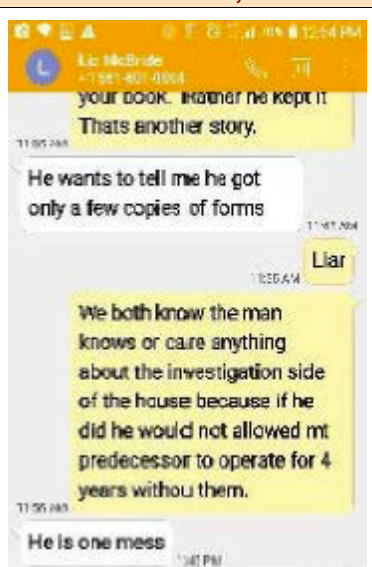
During the discovery process for a lawsuit, “Angelette Green v. The School Board of Palm Beach County, Florida” (Case No. 18-cv-80488-Middlebrooks, U.S. District Court, Southern District of Florida), a series of texts were provided to the Complainant between the Plaintiff and Respondent.

The following tables are the texts provided by the Complainant to assist with the investigation. The quality of the copies were poor, however, they were suitable for the purposes of this investigation.

Additionally, the PCIG reviewed the PBCSD litigation file (Case No. 18-cv-80488-Middlebrooks, U.S. District Court, Southern District of Florida) and identified an additional text between the Plaintiff and Respondent.

TEXTS BETWEEN PLAINTIFF AND RESPONDENT		
Text One April 20, 2017	Text Two April 20, 2017	Text Three May 2, 2017
		

TEXTS BETWEEN PLAINTIFF AND RESPONDENT		
Text Four May 2017*	Text Five June 2017*	Text Six June 2017*
 <p>May 2, 2017</p> <p>Have been checking agenda but have not seen anything about Bliss</p> <p>They will probably sneak it on at last minute Tuesday evening.</p> <p>Agree</p> <p>Since our person has not mentioned it, we know it must be some shit associated with it</p> <p>Absolutely!</p>	 <p>June 2, 2017</p> <p>Your Boss finally came over to say to me ' I want Liz and I to see the documents for Pinellas County before they go to Amnity' .. Now why would I give Amnity anything related to this office or that investigation without him seeing it first? I am really tired of this man offending and insulting my intelligence.. June 26th cant come soon enough-if I dont walk out before then...</p> <p>What is wrong with him? You have made him look good.</p>	 <p>June 2, 2017</p> <p>Pinellas County before they go to Amnity' .. Now why would I give Amnity anything related to this office or that investigation without him seeing it first? I am really tired of this man offending and insulting my intelligence.. June 26th cant come soon enough-if I dont walk out before then...</p> <p>What is wrong with him? You have made him look good. Why is he adding my name? I do not care if I do not see the mess</p>

TEXTS BETWEEN PLAINTIFF AND RESPONDENT		TEXT BETWEEN PLAINTIFF AND RESPONDENT
Text Seven August 7, 2017	Text Eight November 1, 2017	Text Nine November 1, 2017
 <p>Aug 7, 2017</p> <p>Well things are the same. Instead of Lung dealing with Randy's ineffectiveness as a director he gives Bob three auditors to supervise. Bob wants to say he just wants to help out where he can. Bullshit for one who got nothing completed before</p> <p>Lung is only assigning Bob supervisory duties because it was part of my EEO Equity Pay issue. EEO has notified the District of my complaint</p>	 <p>Nov 1, 2017</p> <p>Did you give Lung a copy of the draft investigation policies and procedures you gave me</p> <p>Yes. He had his own book.</p> <p>He says he did not get a big notebook like me</p> <p>Angela made the copy from your book. Rather he kept it Thats another story.</p> <p>He wants to tell me he got only a few copies of forms</p>	 <p>Nov 1, 2017</p> <p>your book. Rather he kept it Thats another story.</p> <p>He wants to tell me he got only a few copies of forms</p> <p>Liar</p> <p>We both know the man knows or care anything about the investigation side of the house because if he did he would not allowed mt predecessor to operate for 4 years without them.</p> <p>He is one mess</p>

*Poor quality of the copied texts resulted in the inability to determine the accurate date.

The following is a timeline of events related to the Plaintiff's employment, the lawsuit, and the texts between the Plaintiff and Respondent:

- a. Plaintiff hired July 5, 2016, as the OIG's Director of Investigations
 - First text on April 20, 2017
 - Last text before termination of Plaintiff in May - June 2017 (Poor quality of the texts resulted in the inability to determine the accurate date.)
- b. Plaintiff's last day with the OIG (termination date) on July 10, 2017
- c. U.S. Equal Employment Opportunity Commission (EEOC) Charge on July 26, 2017
 - Text on August 7, 2017, from Plaintiff mentions EEOC equity pay complaint (Note: no response to this text from Respondent was provided)
- d. Last text on November 1, 2017
- e. Lawsuit filed on April 27, 2018
- f. Lawsuit settled on October 9, 2018

An internal PBCSD General Counsel memo dated September 26, 2018, provided a summary of the Angelette Green v. The School Board of Palm Beach County case. The memo stated:

"On August 7, 2018, Plaintiff documents a text message she received from Counsel for the Inspector General, Elizabeth McBride, Esq. stating:

*'1255 hours
Liz text to say Lung given Bob
3 Auditors to supervise'*

'Bob didn't supervise anyone before'

'What is Bob's supervisory experience & training?'

'What did Bob perform the last time in the position?'

- Quality reviews
- Not done
- Peer Review³⁹

The PCIG interviewed the Respondent on March 25, 2019. She was unaware of the complaint, investigation, and/or the text messages referred to in the complaint. The PCIG emailed her a portable document format (PDF) file of the texts in question. The Respondent received the file, reviewed the texts, and agreed to the interview. The Respondent did not recall the specific texts, the dates, or generally the context of the text conversations. We discussed the timeline of the texts (see above), she restated she did not recall the texts and was not sure why they were part of the

lawsuit. She stated the texts were general conversations with a friend, and she did not assist the Plaintiff with the lawsuit, she had nothing additional to add, and we ended interview.

The PCIG interviewed the Plaintiff on April 8, 2019. She stated that per the settlement agreement between her and the PBCSD, she was not able to discuss any details of the lawsuit. Additionally, she provided the contact information for her attorney if there were any questions.

However, the Plaintiff wanted to know what the issues were; we briefly discussed the allegations in the complaint provided to our office. She was unaware of the complaint and/or the investigation. She provided the following statement concerning the complaint:

"At no time did Elizabeth McBride, conspire, consult, or assist her in any way with regards to her lawsuit against the school district. Her case was solely handled by her attorney."

After her statement, we ended the interview. Based on the Plaintiff's statement, the PCIG determined that there was no need to contact the Plaintiff's attorney.

2. Determine if the communications between the Plaintiff and Respondent alleged improprieties on behalf of the Inspector General.

A review of the texts composed by the Respondent (see below) indicate she made statements (texted) alleging improprieties or criticism of the Inspector General (text in bold italics formatted by the PCIG for emphasis).

April 20, 2017 RESPONDENT'S TEXT TO PLAINTIFF
"Angela just told Lung Mark Mitchell was on phone. He closed his door. Know he must be colluding with him for Bliss salary. Think it is stupid"

May 2017* RESPONDENT'S TEXT TO PLAINTIFF
"He has not said anything other than on the day of the 'fake' interviews he came by the desk stating Bob was the only qualified candidate. I just looked at him because I know he knew I knew he was lying "

May 2017* RESPONDENT'S TEXT TO PLAINTIFF
"Since our person has not mentioned it, we know it must be some shit associated with it"

<p style="text-align: center;">June 2017* RESPONDENT'S TEXT TO PLAINTIFF</p> <p><i>"What is wrong with him?"</i> You made him look good. Why is he adding my name? I do not care if I do not see the mess"</p>

<p style="text-align: center;">August 7, 2017 RESPONDENT'S TEXT TO PLAINTIFF</p> <p>"Well things are the same. Instead of Lung dealing with Randy's <i>ineffectiveness as a director</i> he gives Bob three auditors to supervise. Bob wants to say he just wants to help out where he can. <i>Bullshit</i> for one who got nothing completed before"</p>

*Poor quality of the copied texts resulted in the inability to determine the accurate date.

Findings:

Through the review of evidence, we have determined:

1. There were text communications exchanged between the Plaintiff and Respondent, both before and after the lawsuit was initiated. However, there is insufficient evidence to either prove or disprove if said communications assisted the Plaintiff with the "Angelette Green v. The School Board of Palm Beach County, Florida" (Case No. 18-cv-80488-Middlebrooks, U.S. District Court, Southern District of Florida) lawsuit.

As noted earlier in this report, the Bar rules of professional conduct are not designed to be a basis for civil liability, and violation of a rule does not necessarily mean discipline is appropriate; nor is there an automatic requirement that misconduct must be reported to the Bar. Bar Rule 4-8.3 governs reporting suspected professional misconduct (defined in Rule 4-8.4).

A determination of whether or not there has been a violation of the Bar rules of professional conduct is better decided by the Bar, as the legal profession is self-regulating.

2. The text communications between the Plaintiff and Respondent did include improprieties and were critical of the OIG's Inspector General.

Based on our understanding of what is required of the PBCSD employees, the Respondent violated the following:

The PBCSB Policy 3.02 - Code of Ethics, in 1. Purpose and Authority, states:

"The School Board of Palm Beach County (Board) believes it is imperative that public officials and public employees act in the highest ethical manner and preserve the public trust... It is the Board's intent to create a culture that fosters trust, a commitment to excellence and responsibility, personal and institutional integrity, and avoids conflicts

of interest and appearances of impropriety... All Board Members and employees shall adhere to this policy..."

The PBCSB Policy 3.02 - Code of Ethics, in 4. Accountability and Compliance, states:

"Each employee agrees and pledges:

- a. To provide the best example possible; striving to demonstrate excellence, integrity and responsibility in the workplace...*
- e. To create an environment of trust, respect and non-discrimination, by not permitting discriminatory, demeaning or harassing behavior of students or colleagues.*
- f. To take responsibility and be accountable for his or her acts or omissions.*
- g. To avoid conflicts of interest or any appearance of impropriety..."*

Florida Statute Chapter 112, Part III Code of Ethics for Public Officers and Employees, states:

"112.311 Legislative intent and declaration of policy. –

(1) It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist...

112.312 Definitions. –

...(8) 'Conflict' or 'conflict of interest' means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest...

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys. –

...(8) Disclosure or Use Of Certain Information.—A current or former public officer, employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity."

Overall Conclusion:

1. There were series of texts provided by the Complainant that were exchanged between the Plaintiff and Respondent, before and after the lawsuit was initiated, and an additional text documented by the Plaintiff. However, only one text dated August 7, 2017, discussed the EEOC charge.

The Respondent texted the Plaintiff, *"Well things are the same. Instead of Lung dealing with Randy's ineffectiveness as a director he gives Bob three auditors to supervise. Bob wants to say he just wants to help out where he can. Bullshit for one who got nothing completed before"*

The Plaintiff's response to the Respondent was, *"Lung is only assigning Bob supervisory duties because it was part of my EEO Equity Pay Issue. EEO has notified the District of my complaint"* (no response to this text from Respondent was provided).

The evidence indicates that the Respondent did not respond to the Plaintiff's text regarding the EEOC complaint.

There is insufficient evidence to either prove or disprove if the Respondent assisted the Plaintiff with the lawsuit. Therefore, this allegation is **unsubstantiated**.

2. In five of the texts provided, the Respondent made disparaging statements (alleging improprieties) about her supervisor, the OIG's Inspector General. There is sufficient evidence to justify a reasonable conclusion that this allegation is **substantiated**.

D. RECOMMENDATIONS

We recommend the Chairman of the School Board of Palm Beach County:

1. Require the Respondent to attend a comprehensive code of ethics training program that includes a detailed review of the PBCSB Policy 3.02 - Code of Ethics.
2. Ask the Respondent to apologize to the OIG's Inspector General for the inappropriate behavior and violation the PBCSB policies.
3. Determine if Respondent discipline is warranted under the PBCSB policies.
4. Report the potential breach of confidentiality, duty of loyalty and other fiduciary duties, and conflicts of interests to the Florida Bar for further investigation and action, pursuant to the Florida Bar rules.

Elizabeth McBride, Esq., OIG General Counsel Response: See Attachment 1

Attachment 1

Elizabeth T. McBride
elizabeth.mcbride@palmbeachschools.org

May 31, 2019

Via email and U.S. Mail

Mr. Hector Collazo, Jr., Inspector General/CAE
Division of Inspector General
Pinellas County Clerk of the Circuit Court and Comptroller
510 Bay Avenue
Clearwater, Florida 33756

Re: Response to Investigation of A Complaint Filed With the Palm Beach County School District on October 23, 2018, Alleging Misconduct or Other Wrongdoing Involving the Palm Beach County School Board Office of Inspector General's (OIG) General Counsel (Respondent).

Dear Mr. Collazo:

Please accept this communication as my response to your preliminary investigation received by me on April 30, 2019. My response consists of this written statement and exhibits which are labeled as R-Exh 1-4, and includes embedded link documents. My written statement consists of the following:

- I. The Text Messages Were Personal Statements of My Experiences in the OIG and the District
 - II. Any Information Disclosed in The Text Messages Was Available to Members of the Public, Matters of Public Records, or General Practices of the OIG/District, So Not a Violation of Section 112.313(8), FS.
 - III. Any Suspected Violations of Florida Code of Ethics Must Be Submitted to The Florida Commission On Ethics
 - IV. Shade Meeting on October 17, 2018
 - A. A Shade Meeting Should Not Be Used to Shade the Truth/Facts
 - B. A Shade Meeting Should Not Be Used "to Crystallize a Secret Decision to a Point Short of Ceremonial Acceptance" in Violation of Florida's Sunshine Law
- I. The Text Messages Were My Personal Statements of My Experiences in The OIG and The District**

The text messages exchanged with Angelette Green (Green), the former Director of Investigations for the Office of Inspector General (OIG), were personal statements related to my experiences in the OIG and the District. Although the messages could be construed as unflattering, uncomplimentary or unfavorable, they do not demonstrate that I was "corroborating with" Green relative to her lawsuit against the School Board and Inspector General.

The District's outside counsel states the text messages are "a bit uncomfortable", and they are just awkward, uncomfortable disclosures." See R-Exh 1 – Transcript of the Attorney Client Session of *Angelette Green v. PBCSB*, p. 14, line 25; p. 15, lines 1, 11, 25. More importantly, counsel states the "text messages have nothing to do with the merits of the case." See R-Exh - p. 15, lines 9-11; p. 16, lines 1-3.

II. Any Information Disclosed in The Text Messages Was Available to Members of the Public, or General Practices of the OIG/District, So Not a Violation of Section 112.313(8), Florida Statutes.

Section 112.313(8), Florida Statutes states:

(8) DISCLOSURE OR USE OF CERTAIN INFORMATION.—A current or former public officer, employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

All matters mentioned in the text messages consisted of information available to the general public and gained by reason of my employment and/or related to the OIG/District practices. See CEO's 09-22, 00-22, 90-30 Support for this position can be found in:

- Organizational charts in the OIG Annual and Semiannual Reports available and accessible on the District's webpage at: <https://www.palmbeachschools.org/cms/One.aspx?portalId=270616&pageId=8784048>; See R-Exh 2- organizational charts from 2013 – 2018.
- The OIG April 2016 Peer Review recommendation for OIG to revise its job descriptions to separate out the functions for auditors and investigators. See R-Comp Exh 3, Audit Committee Minutes of April 29, 2016, page 2, stating "Work with HR to examine job descriptions; separate job descriptions for Auditors and Investigators"; Audit Committee Minutes, including Peer Review Comments and Action Plan for the May 19, 2016 Meeting; and April 29, 2016 Audit Committee Meeting Report at the May 11, 2016 School Board Meeting stating the same.
- Job descriptions of the Director of Investigations¹ and the Officer of Compliance and Quality Assurance were the first two positions to be revised after the Peer Review, as the positions were vacant and were to be advertised. The School Board approved the revised job description for the Director of Investigations on June 7, 2016, and the revised job description for the Officer of Compliance and Quality Assurance on August 10, 2016.²

[https://go.boarddocs.com/fl/palmbeach/Board.nsf/files/AAHH8G472201/\\$file/P2%20Job%20Desc%20Agenda%206-1-2016.pdf](https://go.boarddocs.com/fl/palmbeach/Board.nsf/files/AAHH8G472201/$file/P2%20Job%20Desc%20Agenda%206-1-2016.pdf);

¹ The position was revised to be a Level 10 instead of a Level 8, to be consistent with the Director of Audit position which also supervised employees.

² The job description for the intake coordinator position for investigation was approved on June 7, 2016. Revised job descriptions were approved by the School Board for the Director of Audit, all auditors and all investigators on February 6, 2019. The revised job description for the Counsel to Inspector General did not receive the School Board's approval on December 7, 2016.

[https://go.boarddocs.com/fl/palmbeach/Board.nsf/files/ACNL2U533CBE/\\$file/Job%20Desc%20Agenda%208-10-2016_REVISED.pdf](https://go.boarddocs.com/fl/palmbeach/Board.nsf/files/ACNL2U533CBE/$file/Job%20Desc%20Agenda%208-10-2016_REVISED.pdf)

- The 2016 Peer Review commented on the lack of policies and procedures for the OIG Investigative Unit. *See* R-Comp Exh 3, Peer Review Comments and Action Plan.
- The Inspector General did not disclose or share any confidential information with me regarding any matter that was the subject of the messages.
- Previous investigations related to former OIG employees were matters and public records and shared with your office in response to previous records requests.
- For the District, as many of my previous governmental clients, applicants are only interviewed if they meet the qualifications as advertised for the positions. From the many interviews I have conducted of high level employees in local, state, and higher education, most well qualified, but some were not viewed as a good fit for the position or office.

III. Any Suspected Violations of Florida Code of Ethics Must Be Submitted to The Florida Commission on Ethics

The preliminary report references three (3) provisions of the Florida Code of Ethics, Chapter 112, Part III, Code of Ethics for Public Employees and Officers in its findings, suggesting that I committed a violation of Sections 112.311, 112.312, and 112.313(8), Florida Statutes. *See* preliminary report, page 12.

The Interlocal Agreement for Inspector General Services with Pinellas County Clerk of Circuit Court approved by the School Board on July 23, 2014 (Interlocal Agreement) provides the following regarding suspected Florida Code of Ethics violations.

Article 3 – Responsibilities, Functions, Authority and Jurisdiction of the Clerk’s IG provides the following in Paragraph 3.11.

3.11 If at any point during an investigation being conducted by the Clerk’s IG, the Clerk’s IG has a reasonable suspicion to believe that there has been a violation of the Florida Code of Ethics, the Clerk’s IG *shall forward the information to the Florida Commission on Ethics following the procedure set forth in Section 5.a.i and 5.a. ii. of the IG Policy.*

See School Board meeting adopting the Interlocal Agreement at [https://go.boarddocs.com/fl/palmbeach/Board.nsf/files/9LLK6650380D/\\$file/Interlocal%20Agreement.pdf](https://go.boarddocs.com/fl/palmbeach/Board.nsf/files/9LLK6650380D/$file/Interlocal%20Agreement.pdf).

At the time of the School Board’s approval of the Interlocal Agreement, Section 5. a. i and 5.a.ii of the IG Policy (Policy 1.092) read as follows:

- 5. Allegations Regarding Board Members, Superintendent or Inspector General.** Any allegations of ethical misconduct, criminal misconduct or other wrongdoing regarding a Board member, the Superintendent or any employee in the Office of Inspector General shall be managed as follows:
 - a. *Ethical Misconduct.* If allegations relate to ethical misconduct as provided for in the Florida Code of Ethics, Part III, Chapter 112, F.S., as amended, such allegations shall be filed immediately with Florida Commission on Ethics. If the allegations relate to ethical misconduct as provided for in Board Policy 3.02, the allegations

shall also be immediately forwarded to an external agency the Board has entered into an agreement with, if any, for the purposes of investigating such allegations. (*Emphasis Added*).

- i. Any allegations to be filed with the Florida Commission on Ethics regarding a Board member or Superintendent shall be filed and signed by the Inspector General.
- ii. Any allegations to be filed with the Florida Commission on Ethics regarding the Inspector General shall be filed and signed by the Board Chair.

The School Board amended Policy 1.092, on June 7, 2017, renumbering Section 5 as Section 6, while still mandating such complaints be forwarded to Florida Commission on Ethics.³

Only the Florida Commission on Ethics is charged with investigations and fact-findings regarding violations of the Florida Code of Ethics. *See* Section 112.322, Florida Statutes. Pinellas County Inspector General, as the School Board's Inspector General, is without authority to say that there is a violation of Sec. 112.313(8), FS., unless the Florida Commission on Ethics has so rendered such a finding. A review of state law and case law indicates the Florida Commission on Ethics is the only party with jurisdiction to render a decision regarding Sec. 112.313(8), Florida Statutes. *See* §112.322, Florida Statutes; *Florida Commission on Ethics v. Plante, et al*, 369 So. 2d 332 (Fla. 1979); *State Commission on Ethics v. Sullivan*, 430 So. 2d 928 (1st DCA 1983).

IV. Shade Meeting On October 17, 2018

A. Shade Meetings Should Not Be Used to Shade the Facts or Truth

I would like to briefly address misstatements attributed to me, matters I handled for the OIG, or misstatement regarding an OIG employee's professional credentials, as identified in the transcript of the attorney client session of *Green v. PBCSB*.

Suggestion that No Other Women in OIG Claimed Discrimination

During the attorney client session, the District outside counsel states no other women had any complaints of discrimination in OIG. *See* R-Exh 1, p. 12-13, lines 24-2; p. 14, lines 16-22; p. 18, lines 18-25, and p. 19, lines 1-4. However, I was interviewed by Lisa Kohring, identified as the lead counsel from the Office of General Counsel in June, 2018. *See* R-Exh 1, pages 2-3, lines 25-1. During the interview and upon being questioned if I was aware of any previous complaints related to unfair treatment alleged by women in my office, I shared with the lead counsel the following:

³ Policy 1.092 was amended to read:

6. Allegations Regarding Board Members, Superintendent, Inspector General or General Counsel

When the Inspector General receives a complaint(s) alleging waste, fraud, abuse, financial mismanagement, fiscal misconduct and/or other abuses as described below against a Board member, the Superintendent, the Inspector General or an employee in the Office of Inspector General, or the General Counsel or an employee in the Office of General Counsel, the Inspector General shall ensure such complaints are managed as follow:

- a. *Ethical Misconduct.* The Inspector General shall immediately refer complaints alleging a violation of the Florida Code of Ethics, Part III, Chapter 112, F.S., as amended, to the Florida Commission on Ethics. (*Emphasis added*).

[https://go.boarddocs.com/fl/palmbeach/Board.nsf/files/AMMM4453F0D3/\\$file/Policy%201.092%20-%20Adoption%20-%20060717.pdf](https://go.boarddocs.com/fl/palmbeach/Board.nsf/files/AMMM4453F0D3/$file/Policy%201.092%20-%20Adoption%20-%20060717.pdf).

- Previous complaints which the Office of General Counsel had managed or managed with outside counsel related to complaints associated with former female OIG employees.
- Secondly, I informed the lead counsel that I did not wish to discuss certain matters as I had my own experiences which I felt could rise to discrimination I could state against the organization, including against the Office of General Counsel. In fact, the lead counsel wrote me after the session to inquire if she could investigate my complaint. See email dated June 18, 2018 from Lisa Kohring to me, R-Exh # 4).⁴
- Contrary to the representation by the District's outside counsel that I had responded that there was no evidence of discrimination by the IG against Green, as provided in R-Exh-1, p, 14, lines 7-14, the lead counsel and I discussed this matter because it was a part of Green's initial pleadings or complaint. In fact, the lead counsel was informed that Green stated she was leaving because Mr. Chiu, informed her at the time of her hire, he could not pay her more than Randy Law, Director of Audit.⁵ However, when Bob Bliss was hired he came in making \$127,000, more than her and Randy Law.⁶

Hiring of Angelette Green

The District's outside counsel states Green had experience with law enforcement investigations, but "didn't have experience doing employment investigations." See R-Exh 1-p.9, lines 12-13. Prior to the hiring of Green and the OIG's 2016 Peer Review, the OIG had strained working relationships with School Police and Human Resources Office of Professional Standards (formerly Employee Relations). See R- Comp Exh 3, Peer Review Comments and Action Plan on Audit Committee Meeting on May 19, 2016. Green was viewed as an ideal candidate for Director of Investigations because of her law enforcement background and employment experiences. She had served as the Interim Director of Employee Relations, the unit responsible for the conducting personnel investigations and discipline for approximately two years (2008-2010); and, she possessed certifications in human resources and employee labor relations. Contrary to the outside counsel's position, a search of Green's name in the School Board Docs reveal numerous employee related investigations and disciplinary matters she handled on behalf of the District, as the Director of Employee Relations.

B. A Shade Meeting Should Not Be Used to Crystallize a Secret Decision to a Point Short of Ceremonial Acceptance

The Florida Legislature enacted provisions for attorney-client sessions, as an exemption to Florida's Sunshine Law, so that governmental entities could meet privately with its attorneys provided that the conditions of Section 286.011(8)(a)-(e), Florida Statutes are met. *Zorc v. City of Vero Beach*, 722 So. 2d 891 (Fla. 4th DCA 1998). In *Zorc*, the court explained that the exemption was limited to discussion of settling pending litigation by negotiation and agreement among the parties. *Zorc* at 898.

⁴ It should be noted the OGC engaged the law firm of Gunster Yoakley to interview members of OIG regarding the EEOC complaint filed by Angelette Green, in October 2017. I informed the attorney also that I did not wish to discuss certain things as I could state my own discrimination complaint against organization.

⁵ Green's and Law's positions were Level 10s, and Bliss' position was a Level 8.

⁶ This is contrary to the counsel's representation in R-Exh 1, page 6, lines 23-25.

Section 286.011(8) states in pertinent part:

(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.
(Emphasis added).

Interpreting the above language, the court in the *City of St. Petersburg v. Wright*, 241 So. 3d 903 (2nd DCA 2018), quoting *Anderson v. City of St. Pete Beach*, 161 So. 3d 548, 552 (Fla. 2d DCA 2014), states the exemption is “limited to discussions involving the actual settlement of *presently pending litigation*.”

Discussions during the attorney client session were not confined to settlement negotiations or strategy related to litigation expenditures, as required by law. A review of the transcript reveals the parties spent four to five minutes discussing the text messages which were stated to have “nothing to do with the merits of the case,” or “were matters that do not have a direct impact on the case.” See R-Exh 1 - p. 15, line 10; p. 16, lines 1-3; p. 16, lines 9, 16-17. In response to the discussion a Board member inquired:

“If we go through with the agreement, settlement agreement, are you going to be following up on these other items which are definitely disturbing?” See R-Exh1- p. 16, lines 21-24.

The District’s outside counsel responds stating, “[t]hat might be a basis *for an investigation*, but I have not been retained to make that recommendation.”⁷ See R-Exh-1, pp.16-17, lines 25 – 2. The Board member says again, “As a follow-up, if I may, it’s sort of like what they say about a tree falling in the woods and nobody hears it.” See R-Exh 1-p. 17, lines 5-7. Soon after, the general counsel states, “we can’t discuss things extraneous to this case in terms of future action or future anything. *However, be assured Mr. del Russo as retained counsel will follow up with the district and making recommendations in that regard.*” (Emphasis added.) See R-Exh 1- p. 17, lines 9-14. The Board member inquires again, “[h]ow will you follow up with this with us?” See R-Exh 1-p. 17, lines The general counsel states, “[w]e will advise the board.”

Prior to the complaint being filed by the outside counsel which led to this investigation, **there is no record of a public meeting, discussion and action by the School Board to commence this investigation.** Thus, the shade session was used to “crystallize a secret decision to a point just short of ceremonial acceptance”, in violation of the Florida’s Sunshine Law. *Town of Palm Beach v. Gradison*, 296 So. 2d 473, 477 (Fla. 1974).

In summation, the investigation should be dismissed and closed due to:

- 1) The institution of the investigation was in violation of the Sunshine Law;
- 2) The allegation that I “corroborated with” Angelette Green in her litigation against the School Board and Inspector General has been unsubstantiated; and
- 3) Allegations of any violation of Florida Code of Ethics must be addressed by the Florida Commission on Ethics.

Respectfully submitted,

Elizabeth T. McBride

⁷ The General Counsel states the outside counsel was “brought in and assisted us in forging this settlement agreement.” See R-Exh-1, p.3, lines 14-17. The outside counsel indicates he has not represented the District before and the general counsel brought him “in in the middle of this case with the idea it may go to trial and that we needed to prepare our trial strategy.” See R-Exh 1- p.4, lines 10-11, 19-22.

R-EXH 1

Transcript of Attorney-Client Session of
Angelette Green v. PBCSB
October 17, 2018

(28 Pages)

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA

3 CASE NO: 9:18-CV-80488

4 ANGELETTE GREEN,
5 Plaintiff,
6 V

7 SCHOOL BOARD OF PALM BEACH
8 COUNTY, FLORIDA,

9 Defendant.

10 Palm Beach County School Board

11 ATTORNEY/CLIENT SESSION

12
13 Wednesday, October 17, 2018
14 3318 Forest Hill Boulevard
15 West Palm Beach, Florida 33406
16 3:08 - 3:37 p.m.

17 APPEARANCES:

18 Mr. Chuck Shaw, Chairman
19 Dr. Debra Robinson
20 Ms. Marcia Andrews
21 Ms. Karen Brill
22 Mr. Frank Barbieri
23 Ms. Erica Whitfield
24 Ms. Barbara McQuinn
25 Dr. Donald E. Fennoy, II, Superintendent
JulieAnn Rico, General Counsel
Shawn Bernard, Deputy General Counsel
Lisa Kohring, Senior Litigation Associate
Alexander del Russo, Esq., Carlton Fields

Reported by:
Suzanne L. Anderson, Shorthand Reporter

ORIGINAL

P R O C E E D I N G S

- - -

CHAIRMAN SHAW: We are ready to get started. I think we'd better introduce ourselves because we've got a couple of new people, I think, since the last time you were here.

THE REPORTER: I've gotten everybody's name.

CHAIRMAN SHAW: You have everybody? Okay. Like I said, Ms. Brill and Dr. Robinson -- Ms. Brill will be here late, so she may come in.

Ms. Rico.

MS. RICO: Thank you. We have several attorney/client sessions that we will be handling at this meeting. The first, which will have begun and ended on the record as separate items, is Angelette Green v. The School Board of Palm Beach County, Florida, Case Number 9:18-CV-80488.

This is a case that was brought by an employee in the IG's office. We have gone through litigation prep on this. It was scheduled for trial in January. Our lead

1 counsel from the staff has been Lisa Kohring.
2 Of course, Ms. Bernard has been overseeing the
3 case. And during the pendency of the case, it
4 was on what we refer to not so fondly but
15:09:48 5 artfully as a rocket docket. Judge
6 Middlebrooks, the federal judge, has this case
7 going on an expedited discovery.

8 At trial mode we engaged outside counsel
9 to step in and assist with some of the
15:10:07 10 complexities of the case. That resulted in
11 Mr. -- sorry, Judge Middlebrooks setting us for
12 a pretrial mediation, which occurred last week.
13 As a result, we are here today to discuss a
14 recommended settlement. I'm going to introduce
15:10:21 15 Alex del Russo, our outside counsel who was
16 brought in and assisted us in forging this
17 settlement agreement. He will present to you
18 the pros and cons of this settlement.

19 We do, for the board's information, have a
15:10:36 20 settlement agreement that we're going through
21 with you during the confines of this meeting so
22 that you understand the terms and conditions.
23 It is on the agenda for approval tonight.
24 That's something that's a bit unusual because
15:10:49 25 we usually like to give you another board

1 meeting in between. But because of the
2 settlement terms and conditions, we were
3 required to bring it to the very next board
4 meeting, so we chose to do that. There will be
15:11:01 5 action on the agenda. There's a pending item
6 for your consideration.

7 At this moment, Mr. del Russo.

8 MR. DEL RUSSO: Okay. Good afternoon,
9 everyone. I appreciate the chance to be here
15:11:13 10 and to represent the district. My name is Alex
11 del Russo. I have not represented the district
12 before. I don't believe I know any of you. I
13 don't know if that's a good or bad thing.

14 I'm a trial lawyer in town, but I
15:11:26 15 specialize. Like most lawyers nowadays have a
16 specialty, my area of practice is defense of
17 employment cases. That's what I do. That's
18 all I've done for the last 20, 25 years. So
19 the general counsel had brought me in in the
15:11:41 20 middle of this case with the idea that it may
21 go to trial and that we needed to prepare our
22 trial strategy.

23 I'm happy to report that we were able last
24 week to attend the mediation ordered by the
15:11:54 25 federal court and reach a settlement, subject

1 of course to your approval. What I wanted to
2 do -- and I know the general counsel's office
3 prepared this PowerPoint presentation so that
4 you can visualize the issues we talked about in
15:12:10 5 the case and also understand why we make the
6 recommendation to settle that we do.

7 So the plaintiff in this case is Angelette
8 Green and Ms. Green --

9 (Ms. Brill and Dr. Robinson entered the
15:12:23 10 room.)

11 MR. DEL RUSSO: I was just starting,
12 ladies. My name is Alex del Russo. I've been
13 brought in as counsel, co-counsel to represent
14 the district in the defense of this case.

15:12:49 15 MS. WHITFIELD: Maybe we should just
16 introduce ourselves.

17 CHAIRMAN SHAW: Since you've not been with
18 us, would you like for us to introduce
19 ourselves to you?

15:12:55 20 MR. DEL RUSSO: Would you, please.

21 CHAIRMAN SHAW: Ms. Whitfield.

22 MS. WHITFIELD: Erica Whitfield.

23 MS. MCQUINN: Barbara McQuinn.

24 MS. ANDREWS: Marcia Andrews.

15:13:04 25 MS. BRILL: Karen Brill.

1 DR. ROBINSON: Dr. Debra Robinson, school
2 board.

3 CHAIRMAN SHAW: Chuck Shaw, school board.

15:13:10

4 MR. BARBIERI: Frank Barbieri, school
5 board.

6 DR. FENNOY: Dr. Donald Fennoy,
7 superintendent.

8 MR. DEL RUSSO: Thank you very much.

15:13:18

9 Ms. Green, the plaintiff in this lawsuit,
10 was a long-standing employee of the district.
11 She worked for many years at the district,
12 primarily in the police department. And by all
13 accounts she worked her way up and did a good
14 job.

15:13:31

15 In June of 2016, Ms. Green began working
16 with the Office of Inspector General. She
17 applied for a position as director of
18 investigations. She was hired by your
19 inspector general, Dr. Chiu -- Mr. Chiu?

15:13:49

20 MS. RICO: Mr. Chiu.

21 MR. DEL RUSSO: Mr. Chiu. She worked in
22 that position for one year until June of 2017.
23 In June of 2017 she resigned. After she
24 resigned -- she first told workers that she was
25 leaving for family reasons. But after she

15:14:03

1 resigned, she sent a letter to the school board
2 claiming she had been constructively discharged
3 and subjected to discrimination.

4 Constructive discharge means that even
15:14:16 5 though I quit, it really was a firing, that the
6 circumstances were so intolerable that I had no
7 choice but to resign. She claimed that and
8 claimed in addition that she was subject to a
9 hostile work environment because of her sex,
15:14:28 10 because she was a woman.

11 She filed this lawsuit in April of 2018
12 asserting two claims. Her first claim in the
13 lawsuit is for wage discrimination under the
14 Federal Equal Pay Act, which is why we're in
15:14:43 15 federal court. The Equal Pay Act says that if
16 two people are in the same jobs, you have to
17 pay them the same. You can't pay someone less
18 because of their sex, whether it's a man or a
19 woman.

15:14:54 20 The key language under the Equal Pay Act
21 is it has to be the same skills and
22 responsibilities. So the jobs have to be
23 virtually identical. In other words, if you
24 have two people that are auditors, they both
15:15:05 25 have the same background and skill, they have

1 to be paid the same. You have to have a
2 compelling reason why you're paying the man
3 more than the woman or vice versa. So she
4 brought her first claim under the Equal Pay Act
15:15:18 5 saying that she wasn't being paid enough. And
6 I'll discuss the merits of that claim in a
7 moment.

8 Her second claim was for sex
9 discrimination. She claimed that the inspector
15:15:29 10 general, Mr. Chiu, treated women differently,
11 that he was demeaning to them and
12 discriminating against them. Part of her claim
13 is one of the ways that she was discriminated
14 against had to do with the fact that she was
15:15:39 15 paid less.

16 You'll notice that both of those claims
17 that she brought had to do with your inspector
18 general. She claimed that Inspector General
19 Chiu treated women differently and that he paid
15:15:51 20 -- that she was paid less because she was a
21 woman. Those are her claims.

22 This slide sort of goes through some of
23 the factual background of her employment. She
24 expressed an interest for the job in the
15:16:05 25 inspector general's office in May of 2016. She

1 discussed a salary range. When she interviewed
2 with Inspector General Chiu, she had asked for
3 a salary of \$125,000.

4 Actually, the inspector general went to
15:16:23 5 bat for her and was able to get the position of
6 director of investigations reclassified from a
7 level eight to a level ten. I'm not quite sure
8 what that means, but the result practically was
9 she got more money when she was hired. When
15:16:43 10 she was hired, it was at a salary of \$117,000.

11 She had experience in doing police
12 investigations, but she really didn't have
13 experience doing employment investigations and
14 certainly investigations having to do with
15:16:56 15 fraud, waste and mismanagement. So the
16 district trained her and had to train her to
17 bring her up to speed.

18 She worked in that position then from July
19 of 2016 until June of 2017 when she resigned.
15:17:08 20 As I mentioned, she claimed that Inspector
21 General Chiu was treating her and other women
22 differently. This slide just reflects some of
23 the evidence we discovered in the early phases
24 of the litigation.

15:17:22 25 It mentions that on June 7th the school

1 board approved the hiring of Robert Bliss as a
2 new officer of compliance and quality
3 assurance. And I'll mention in a moment why
4 that's significant, particularly in connection
15:17:36 5 with her equal pay claim. At the time she made
6 notations when Mr. Bliss was hired about low
7 morale, about not being held accountable, but
8 made no mention about either wage
9 discrimination or sex discrimination. She also
15:17:49 10 received from Inspector General Chiu a good
11 evaluation, not a poor evaluation. She then
12 gave her notice of discharge in July and she
13 resigned. And in April of this year she filed
14 the lawsuit.

15:18:03 15 So in an Equal Pay Act claim, the employee
16 is required to identify what we call
17 comparatives, in other words, other people in
18 essentially the same job who are paid more. If
19 you can't identify a comparator, you can't
15:18:24 20 bring an Equal Pay Act claim. So Ms. Green
21 identified two comparators.

22 First she identified Randy Law, Director
23 of Audit Randy Law, saying that he was being
24 paid more. Mr. Law, in fact, is paid the exact
15:18:42 25 same as Angelette Green. She does receive

1 \$2,000 a year more, but that's because she has
2 a second master's degree. And under district
3 policy, if you have a second master's degree,
4 you get a stipend of an extra \$2,000. So for
15:18:53 5 purposes of the merits of her wage claim, her
6 equal pay claim, using Mr. Law as a comparative
7 fails.

8 The other person that she mentioned as a
9 comparator is Randy Bliss. That's why I
15:19:08 10 mentioned a moment ago that on June 6th the
11 board approved offering Mr. Bliss a job as
12 officer of compliance and quality assurance.
13 Mr. Bliss came in at a higher salary. He was
14 hired at, I believe, \$127,000. He was making
15:19:24 15 \$10,000 a year more.

16 But the district's response is that
17 they're not the same jobs. You can't compare
18 apples and oranges. You have to look at apples
19 and apples. And the case law says that the
15:19:37 20 jobs have to be nearly identical to qualify as
21 comparators.

22 As the director of investigations,
23 Ms. Green's job was to conduct investigations.
24 The officer of compliance and quality
15:19:51 25 assurance's job was to review those

1 investigations and to make sure they're
2 consistent with district policy. Different
3 function, different job. Not only were they
4 not nearly identical, they weren't even
15:20:04 5 similar. So our position is not the same jobs.
6 Your claim under the Equal Pay Act fails.

7 Now, with respect to her gender
8 discrimination claim, part of it has to do with
9 the same salary issue that I mentioned a moment
15:20:16 10 ago. And for the same reasons that I mentioned
11 we felt that it didn't have any merit.
12 Ms. Green also has suggested that the inspector
13 general has demeaned women, treated women
14 differently, yelled at them.

15:20:29 15 From our initial investigation, we know
16 there are 11 women that work in the office. Of
17 the women that we've interviewed, none of them
18 corroborate what Ms. Green says. She names
19 three specific women in her lawsuit and in her
15:20:47 20 discovery answers, women who can confirm this
21 sex-based hostile work environment.

22 And Ms. Kohring spoke with all three of
23 them and interviewed them, and none of them
24 corroborate that version of the events. So we
15:20:59 25 don't see any evidence of a sex-based

1 discrimination in the inspector general's
2 office.

3 We haven't taken any depositions in this
4 case. Part of the reason is because we tried
15:21:16 5 to get the case settled early, and no one has
6 taken depositions. Is it possible -- and I
7 have listed under potential weaknesses that is
8 it possible that one of the 11 women could come
9 forward and say, well, gee, things weren't fair
15:21:29 10 to women? We haven't seen that, and we haven't
11 any evidence of that. And we have to make
12 recommendations based upon the evidence and
13 reasonable assumptions that we make based on
14 the evidence.

15:21:40 15 So in terms of the weaknesses of the
16 claim, we listed that, although it's unlikely,
17 a judge can find that the director of
18 investigations' position and the officer of
19 quality -- officer of compliance and quality
15:21:52 20 assurance position are the same.

21 You know, I have gone into hearings and
22 had cases where I thought my arguments were
23 iron clad, and I walked out of the courtroom
24 scratching my head wondering why I didn't win.
15:22:07 25 So things can happen. But again, we have to

1 make decisions based on reasonable assessments.

2 These positions are, from what we can tell
3 and from what the law says, they're different
4 positions. They're not substantially
15:22:15 5 identical. But it's a possibility.

6 There's also been some communications that
7 were disclosed in discovery from Elizabeth
8 McBride, who is the counsel to Inspector
9 General Chiu, that suggests that she may have
15:22:31 10 been corroborating -- collaborating with
11 Ms. Green in Ms. Green's preparation of the
12 case. So she was interviewed by Ms. Kohring,
13 and she said she had no evidence of
14 discrimination by the inspector general against
15:22:49 15 Ms. Green.

16 But she hasn't been deposed, and again we
17 have to accept at face value the evidence that
18 we have. We have no evidence, even based upon
19 things that she has told us, that suggests that
15:23:05 20 there's any differential treatment of women,
21 discriminatory treatment of women in the
22 inspector general's office.

23 Now, I'll tell you and I wanted just to
24 bring to your attention that there has been
15:23:21 25 some documents disclosed in discovery that are

1 a bit uncomfortable. In response to a document
2 request, Ms. Green's lawyer dumped on us about
3 1,000 or 1,500 pages of documents. In the
4 middle of them were some text messages between
15:23:38 5 the inspector general's counsel, Ms. McBride,
6 and Ms. Green suggesting that Ms. McBride was
7 working with Ms. Green in developing evidence
8 for her to bring this case.

9 What does that have to do with the merits
15:23:58 10 of Ms. Green's case? Nothing, nothing. But
11 it's just an awkward, uncomfortable disclosure.
12 There have also been some documents produced by
13 Ms. Green suggesting that the inspector general
14 might have been involving himself in the
15:24:12 15 Pinellas County IG's investigation of him.
16 Again, nothing whatsoever to do with
17 Ms. Green's case, but it's something that could
18 be a media frenzy if it got out and negative
19 publicity for this district about what the
15:24:36 20 inspector general is doing or not doing.

21 I can't say he did any of these things.
22 These are little snippets of text messages that
23 are not even in context in terms of the text
24 messages that were disclosed to us. But it's
15:24:46 25 something that is a bit uncomfortable in the

1 case. In any event, nothing to do with the
2 merits of the case but these were documents
3 that were disclosed.

4 MS. BERNARD: Business documents.

15:24:59 5 MR. DEL RUSSO: I'm sorry? What business
6 documents?

7 MS. RICO: There were also documents that
8 were submitted by the plaintiff. Again, it
9 doesn't really have any real impact on the
15:25:12 10 case, but as an impetus to settle this matter
11 so that we don't have disclosures and
12 allegations of outside business dealings that
13 may have been ongoing in the inspector
14 general's office.

15:25:29 15 These were just matters that were revealed
16 in discovery. They don't have direct impact on
17 the case. But should the case have gone
18 forward and we don't settle it, these are
19 things that could have a larger light.

15:25:43 20 CHAIRMAN SHAW: Ms. Brill.

21 MS. BRILL: I have a question for you. If
22 we go through with the agreement, settlement
23 agreement, are you going to follow up on these
24 other items which are definitely disturbing?

15:25:56 25 MR. DEL RUSSO: That might be the basis of

1 an investigation, but I haven't been retained
2 to make that recommendation. My job is to see
3 if we can get this case resolved in terms that
4 are acceptable to the board.

15:26:09

5 MS. BRILL: As a follow-up, if I may, it's
6 sort of like what they say about a tree falling
7 in the woods and nobody hears it.

15:26:26

8 MS. RICO: I appreciate the question. So
9 that the board is clear, obviously we can't
10 discuss things extraneous to this case in terms
11 of future action or future anything. However,
12 be assured Mr. del Russo as retained counsel
13 will follow up with the district and making
14 recommendations in that regard.

15:26:42

15 MS. BRILL: How will you follow up with
16 this with us?

17 MS. RICO: We will advise the board.

18 MS. BRILL: Thank you.

19 CHAIRMAN SHAW: Ms. Whitfield.

15:26:52

20 MS. WHITFIELD: May I ask about her case?
21 Does it matter to her case if none of the other
22 women maybe felt that they were being
23 discriminated against but she felt that way? I
24 know that you interviewed all of the women.
15:27:11 25 Maybe their perception might not have been that

1 they were discriminated against, but her
2 perception was that they were.

3 MR. DEL RUSSO: We didn't interview all of
4 them. Ms. Kohring only interviewed the three
15:27:22 5 that she named. The answer is generally no,
6 because when you judge discrimination in a
7 hostile environment, you have to look, not only
8 at what someone subjectively feels, she may
9 have felt that way, but you have to look
15:27:37 10 objectively whether it qualifies as
11 sufficiently pervasive and severe so as to
12 constitute discrimination.

13 MS. WHITFIELD: Did you ask in those
14 questions whether it looked like to those women
15:27:44 15 that Ms. Green was discriminated against or
16 just that they felt they were discriminated
17 against?

18 MS. KOHRING: I asked both, both
19 questions, whether they ever saw anything or
15:27:57 20 were ever privy to any behavior they believe
21 would rise to that level towards Ms. Green or
22 whether they themselves felt as though they
23 were subjected to that behavior, and I did not
24 receive any confirmation that anyone believed
15:28:12 25 that they had been subjected themselves to

1 conduct that was related to their gender nor
2 had they seen anything that Ms. Green had been
3 subjected to that would make them believe it
4 was in relation to her gender.

15:28:20

5 CHAIRMAN SHAW: Dr. Fennoy.

15:28:35

6 DR. FENNOY: My only question is -- I
7 don't know if you can even answer this. I
8 understand, just like myself, I report to the
9 board and Mr. Chiu reports to the board. Do
10 the employees of the inspector general's office
11 report to the superintendent's office or to the
12 board?

15:28:46

13 MS. RICO: The district -- the employees
14 of the IG's office are district employees and
15 have the same rights and obligations and
16 treatment as district employees.

17 DR. FENNOY: So they would fall on my side
18 of the house?

19 MS. RICO: Correct.

15:28:54

20 MR. DEL RUSSO: Any other questions or may
21 I proceed?

15:29:03

22 CHAIRMAN SHAW: I would just ask to check
23 that because I believe that there was a change
24 in policy that assigned employees in that
25 office report to the inspector general.

1 MS. RICO: For purposes of -- just like in
2 my office, for purposes of employment
3 assignments, et cetera, et cetera. But in
4 terms of their own employment rights --

15:29:17

5 CHAIRMAN SHAW: Okay. Go ahead.

6 MR. DEL RUSSO: Thank you.

15:29:30

7 At the mediation last week we reached a
8 settlement, subject to your approval of course,
9 with Ms. Green and her attorney. Under the
10 settlement we pay her \$30,000. We also agreed
11 to provide a neutral reference. But my
12 understanding is that the board does that
13 anyway for employees that resign, and Ms. Green
14 resigned. We give out dates of employment,
15 position and whether she's eligible for rehire.
16 So that's not a giveaway on behalf of the
17 district. What we really offered to do is pay
18 her \$30,000.

15:29:45

15:29:57

19 What she has offered in the agreement that
20 you should have in front of you is first the
21 dismissal of the lawsuit with prejudice. And
22 then second a general release where she
23 releases any claim she has, whether known or
24 unknown, from beginning of the world through
25 today, as us lawyers like to draft these

15:30:12

1 releases, that she has against the district,
2 board members or the superintendent or the
3 inspector general.

4 She also agreed not to apply for
15:30:23 5 re-employment to the district. The reason we
6 put that in is you don't want to buy into a
7 second retaliation lawsuit. If she applies for
8 a job and she's not hired, she has the
9 opportunity then to say, well, you didn't hire
15:30:36 10 me because I filed the other lawsuit. That's
11 fairly standard, and I'm sure you all have seen
12 these in similar types of employment cases.

13 She also agreed not to disparage the board
14 or the board members or the superintendent or
15:30:48 15 her old boss, the inspector general. And we
16 put in she agreed not to voluntarily cooperate
17 with any present or former employees who want
18 to bring claims against the district. We don't
19 know if there are any out there. Of course, if
15:31:00 20 she's subpoenaed, then she has to appear and be
21 truthful. We can't tell her not to do that.
22 But we don't want her helping other people who
23 may be interested in suing the district.

24 Those are the terms of the settlement.
15:31:15 25 You know, a lot of the information on this

1 slide I think is self-evident.

2 Why do we settle cases? If we found that
3 there's no evidence of discrimination either in
4 wage, pay or in sex, why would we settle?

15:31:30

5 Well, first of all, none of us have crystal
6 balls. We all like to think we're great
7 lawyers, but it doesn't mean we can guarantee
8 the results. Sometimes things happen that are
9 unexpected. Litigation is expensive. To get
10 this case through discovery with depositions,
11 it would cost more than the \$30,000 that we
12 could settle for.

15:31:44

13 So we thought it was an imminently
14 favorable settlement to the board. And I can
15 tell you it's one that her lawyer agreed to.
16 It's not like we jammed this down her throat.
17 And probably, in fairness, the reason I think
18 that it was felt from the people on this side
19 of the table to offer her 30,000 is that she
20 had 17 or 18 years of service to the school
21 board, many in the police department, and she
22 did a very good job.

15:31:55

15:32:05

23 So for that reason, although we think her
24 claims have no merit, it makes sense to offer
25 her \$30,000, and she and her attorney did too.

15:32:19

1 So that's our recommendation. I'm happy to
2 answer any questions.

3 CHAIRMAN SHAW: Ms. McQuinn does.
4 Barbara.

15:32:28 5 MS. MCQUINN: I know it sounds silly. So
6 any employee who resigns and brings a suit
7 against us, we're just going to settle it?

8 MS. RICO: No.

9 MS. MCQUINN: And really I'm not being
15:32:42 10 facetious.

11 MS. RICO: I know you're not. I know
12 you're not. The reasons that we are
13 recommending -- rather than as Mr. del Russo
14 indicated, as far as the technical, legal
15:32:56 15 aspects of the case, it should be we win; they
16 lose. Offer nothing and let's go to trial.

17 The distinction here is, A, there's the
18 risk for doing that because you never know. B,
19 the issue could -- the facts could change
15:33:10 20 somewhat. When people get under deposition,
21 they may change what they said in the
22 pre-statements. And, third, the pro -- when I
23 say protracted, the type of documentation and
24 sort of side issues that are being raised in
15:33:26 25 this case through discovery, as your general

1 counsel and then, you know, my team having
2 concern for the ultimate outcome for the
3 district, it could shed at least negative
4 connotations on our -- on the board's third leg
15:33:49 5 of their -- you know, of their arms, which is
6 the superintendent, general counsel and IG.

7 If there were any negative reflections or
8 concerns or questions, it would come up in the
9 context of a public -- this is public stuff.
15:34:08 10 It would just be better to resolve this early
11 and refrain from that type of extended
12 reflection on those issues.

13 CHAIRMAN SHAW: Any other questions?

14 Question related to all of those, you said
15:34:26 15 there were a thousand pages?

16 MS. RICO: Yes.

17 CHAIRMAN SHAW: Is that all going to be
18 public information?

19 MS. RICO: It is public information.
15:34:36 20 Nobody has asked for it. We certainly aren't
21 mailing it out to anybody. But it is certainly
22 -- when you're in a lawsuit and unless it's
23 otherwise confidential, which there's really
24 nothing in there that's -- medical records or
15:34:55 25 those kinds of things would be retained and not

1 disclosed.

2 CHAIRMAN SHAW: Those emails then become
3 part of it?

15:35:06

4 MS. RICO: They were public record before.
5 Now they're just organized.

6 CHAIRMAN SHAW: What's the pleasure of the
7 board? This is an item that's on the agenda?

15:35:17

8 MS. RICO: It is on the agenda tonight.
9 As a matter of just process, FYI for the board,
10 in each one of our attorney/client sessions
11 going forward, we're formalizing the -- you
12 know, whether there's action or not just so we
13 keep a cleaner record when we're out there. So
14 when Mr. Shaw asks whether there's action or
15 not, now there should be an actual agenda item
16 for each one of the cases today and going
17 forward. There's an actual item on this along
18 with the settlement agreement.

15:35:34

19 CHAIRMAN SHAW: If the board approves this
20 tonight, when will it be signed and become
21 effective?

15:35:43

22 MS. RICO: The plaintiff has already
23 signed it. That's one of the reasons that we
24 do not want --

15:35:52

25 CHAIRMAN SHAW: This is essentially a copy

1 of the signed one?

2 MS. RICO: Correct. By law the plaintiff
3 in these types of cases has seven days to
4 renege on the agreement. She signed it last
15:36:07 5 week, seven days ago. So that seven days would
6 expire, and it would be immediately effective
7 upon the board acting.

8 CHAIRMAN SHAW: Karen.

9 MS. BRILL: If we agree to proceed, then
15:36:16 10 the records of the case become public. Those
11 emails and the other information you have is a
12 public record. If the press requests it, then
13 it's all coming out anyway, right?

14 MS. RICO: It's there. There's nothing I
15:36:31 15 can do about that. But, I mean, if the press
16 asked for it -- I've never -- I mean, I don't
17 recall settling a case where the press ran up
18 and said let me see the discovery. If they do
19 that, that would be a very odd thing to do.

15:36:48 20 MS. BERNARD: Very strange.

21 MS. BRILL: And then you'll follow up on
22 the other stuff?

23 MS. RICO: Yes. I hope that that does not
24 happen. That's the reason we're trying to get
15:36:57 25 this settled and finished.

1 CHAIRMAN SHAW: Any other questions?

2 Okay. Mr. del Russo, thank you very much.

3 We appreciate it.

4 MR. DEL RUSSO: Okay. May I go?

15:37:06

5 MS. RICO: Yes, you may.

6 MR. DEL RUSSO: It was a pleasure meeting
7 you all.

8

9 (Thereupon, the Proceedings were concluded

10 at 3:37 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

- - -

The State of Florida)
County of Palm Beach)

I, Suzanne L. Anderson, Shorthand
Reporter, certify that I was authorized to and did
stenographically report the foregoing proceedings
and that the transcript is a true record.

Dated this 22nd day of October, 2018.



Suzanne L. Anderson, Shorthand Reporter
Mudrick Court Reporting, Inc.
1615 Forum Place, Suite 500
West Palm Beach, Florida, 33401
(561) 615-8181

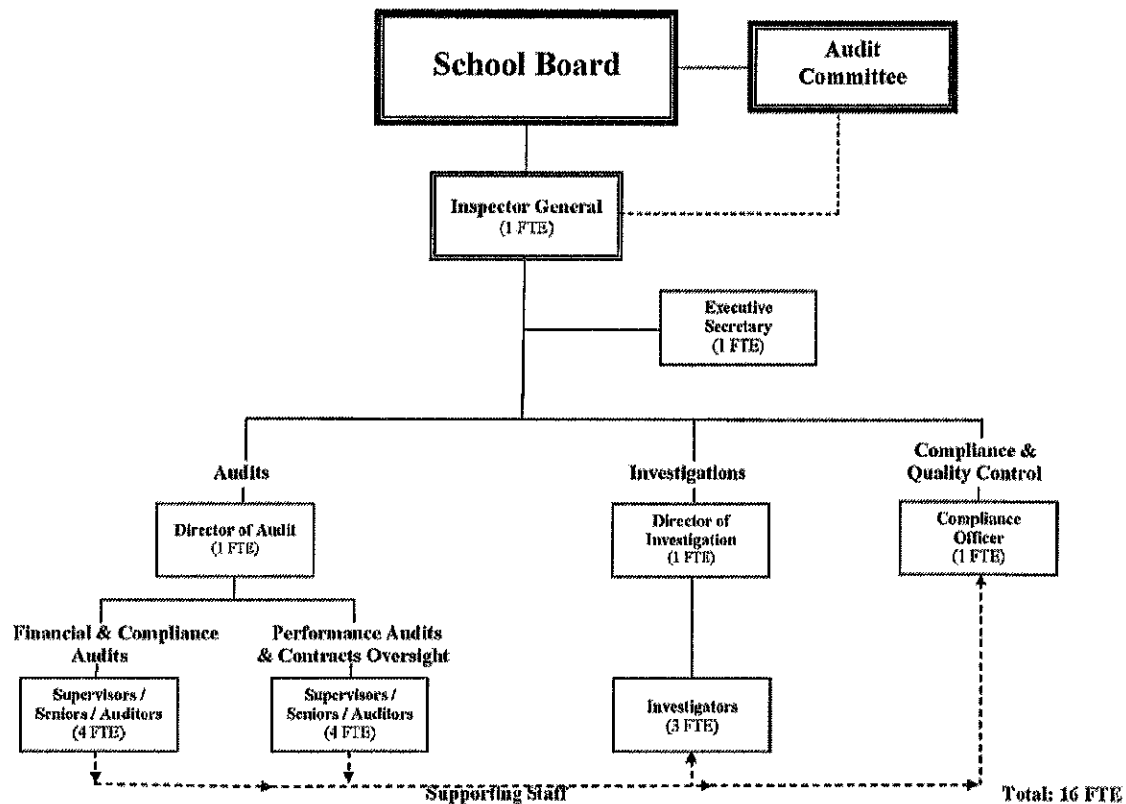
MUDRICK COURT REPORTING, INC.

561-615-8181

R-EXH 2

OIG Organizational Charts
(2013-2018)
(6Pages)

Office of Inspector General
Organization Chart and Staffing
June 30, 2013



Staffing

- 14 professional, 1 administrative, and 1 vacant position
- Collectively
 - 10 advanced degrees,
 - 24 professional certificates, including Certified Inspector General (CIG), Certified Inspector General Auditor (CIGA), Certified Inspector General Investigator (CIGI), Certified Fraud Examiner (CFE), Certified Public Accountant (CPA), Certified Internal Auditor (CIA), Certified Information System Auditor (CISA), Chartered Global Management Accountant (CGMA), Certified Management Accountant (CMA)

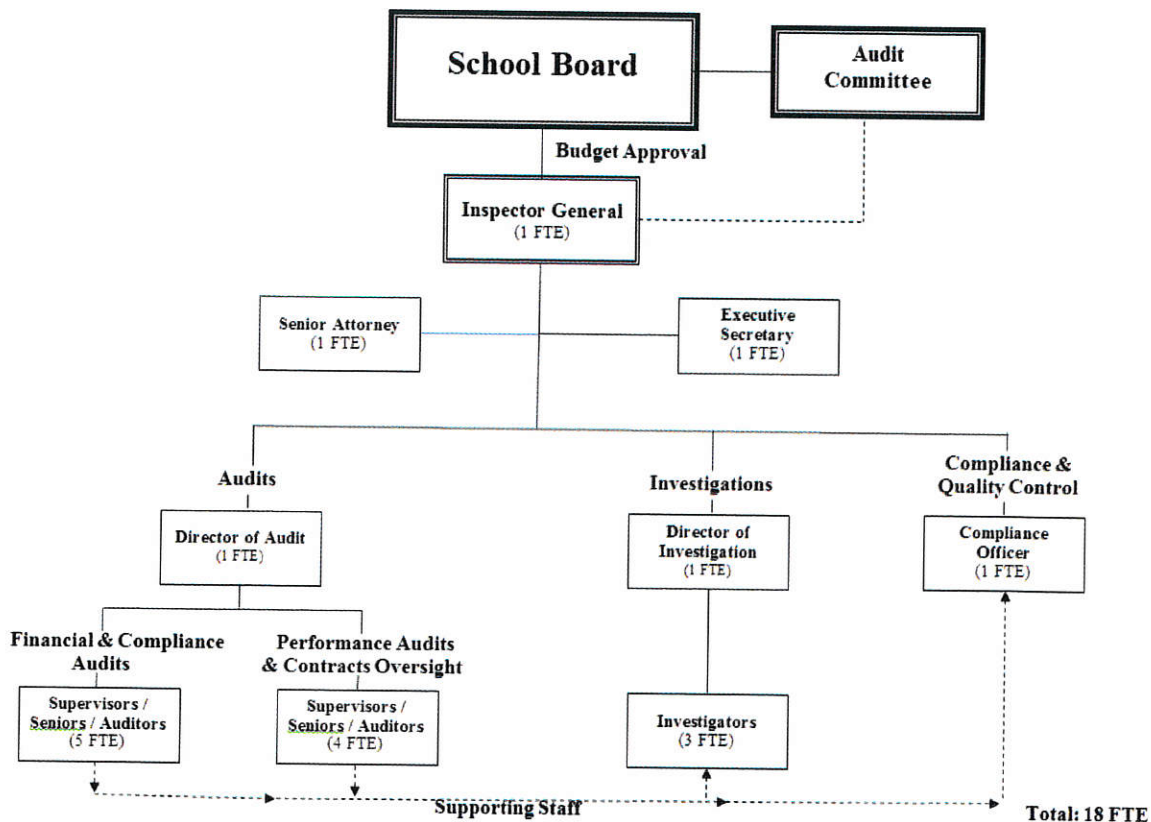
**Audit and Investigation Activities Report
For
Fiscal Years 2013 and 2014**

November 15 2013

Report #2013-14

Charter and created the Audit Committee in 1993. The Audit Committee is to ensure broad audit coverage, adequate consideration of audit reports, and appropriate staff actions on audit reports. The Audit Committee is comprised of seven voting members appointed by individual School Board Members, and six non-voting representatives including two School Board Members, the Superintendent, the General Counsel to the School Board, one representative from the Classroom Teachers Association, and one representative from the school principals.

Office of Inspector General
Organization Chart and Staffing
June 30, 2014



Staffing

- 15 professional, 1 administrative, and 2 vacant positions
- Collectively, staff have
 - 13 advanced degrees, and
 - 26 professional certificates, including Certified Inspector General (CIG), Certified Inspector General Auditor (CIGA), Certified Inspector General Investigator (CIGI), Certified Fraud Examiner (CFE) , Certified Public Accountant (CPA), Certified Internal Auditor (CIA), Certified Information System Auditor (CISA), Chartered Global Management Accountant (CGMA), Certified Management Accountant (CMA)

**Office of Inspector General
Annual Report For Fiscal Year 2014**

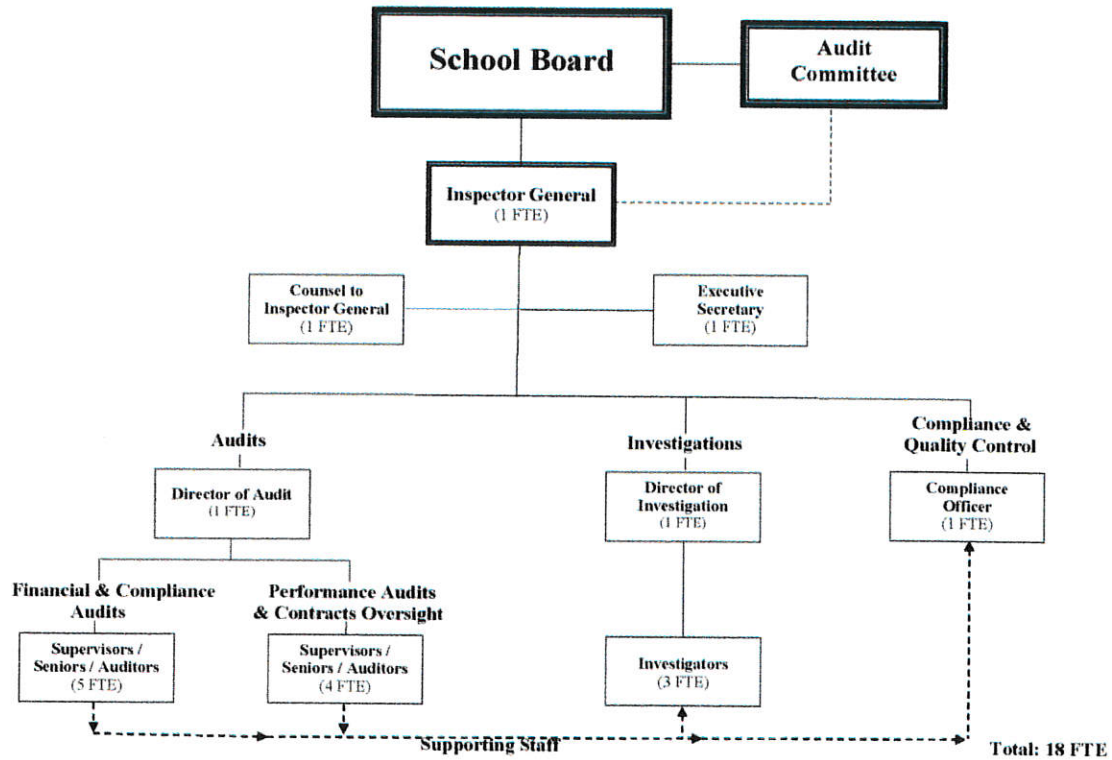
January 16, 2015

Report #2015-02

ORGANIZATIONAL OVERVIEW

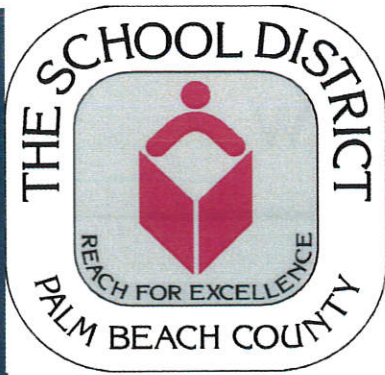
PALM BEACH COUNTY SCHOOL DISTRICT OFFICE OF INSPECTOR GENERAL

Organization Chart



OIG STAFFING AS OF JUNE 30, 2015: The OIG has a highly educated professional staff where all of the professional staff have at least a four-year degree, and most have either advanced degrees or one or more professional certifications in their areas of expertise.

- 15 professional, 1 administrative, and 2 vacant positions
- Collectively, staff have
 - 13 advanced degrees, and
 - 28 professional certificates, including Certified Public Accountant (CPA), Certified Inspector General (CIG), Certified Inspector General Auditor (CIGA), Certified Inspector General Investigator (CIGI), Certified Fraud Examiner (CFE), Certified Internal Auditor (CIA), Certified Information System Auditor (CISA), Chartered Global Management Accountant (CGMA), Certified Management Accountant (CMA)



OFFICE OF THE INSPECTOR GENERAL

K. Lung Chiu, Inspector General

2015 OIG ANNUAL REPORT

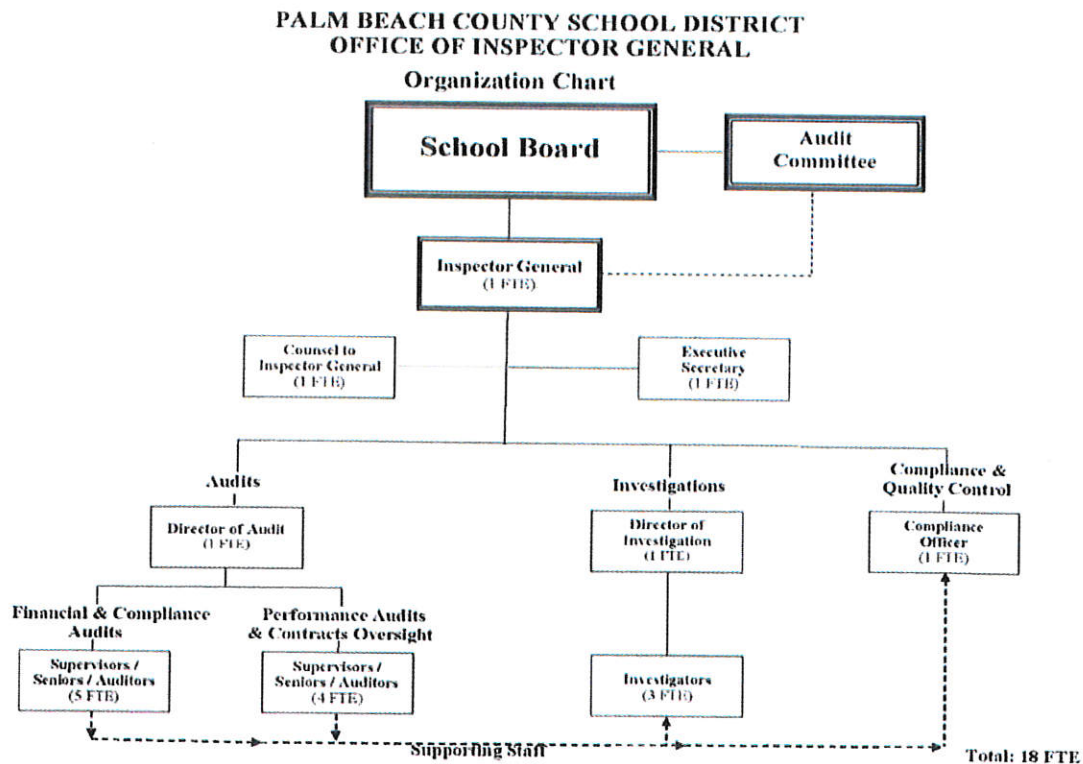
September 2015

Report #2015-11

Report Fraud, Waste, or Abuse: Fraud Hotline: 855-561-1010
Online: pbscd@ethicaladvocate.com

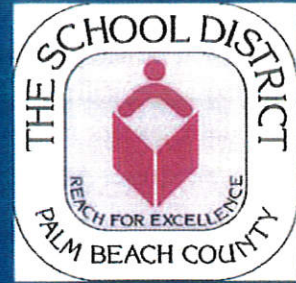
Our Organizational Structure

The organizational structure of the Office of Inspector General consists of three divisions: Audit, Investigations, and Compliance and Quality Control. Each division is led by a director or officer of the OIG. Management and staff of the divisions work in coordination to meet the Inspector General's goals and objectives.



The OIG's most valuable assets is our staff. The OIG has a highly educated professional staff where all of the professional staff have at least a four-year degree, and most have either advanced degrees or one or more professional certifications in their areas of expertise. As of June 30, 2016, the OIG has 15 professional, 1 administrative, and 2 vacant positions. Collectively, OIG staff have:

- 12 advanced degrees, and
- 25 professional certificates, including Certified Public Accountant (CPA), Certified Inspector General (CIG), Certified Inspector General Auditor (CIGA), Certified Inspector General Investigator (CIGI), Certified Fraud Examiner (CFE), Certified Internal Auditor (CIA), Certified Information System Auditor (CISA), Chartered Global Management Accountant (CGMA), Certified Management Accountant (CMA)



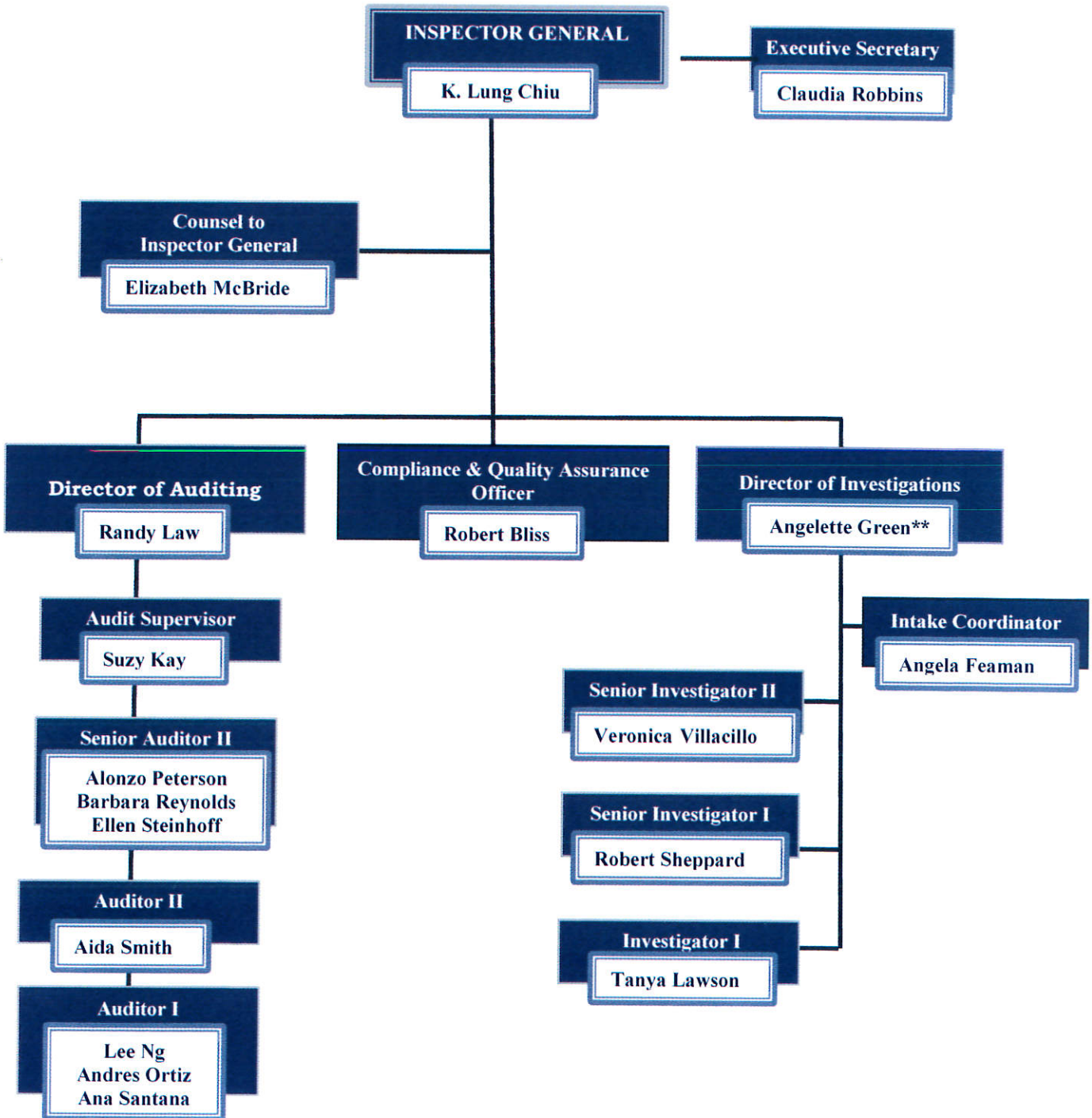
K. Lung Chiu, CIG, CPA
Inspector General

Annual Report of the Inspector General

July 1, 2015 through June 30, 2016

About the Office	3
Audits	5
Investigations	25
Compliance and Quality Assurance	35
Benefits of Auditing & Investigative Function	42
Appendix	44

OIG Organizational Structure



**Ms. Green was director for FY 16-17. She retired in July 2017.

OFFICE OF INSPECTOR GENERAL

2017 ANNUAL REPORT

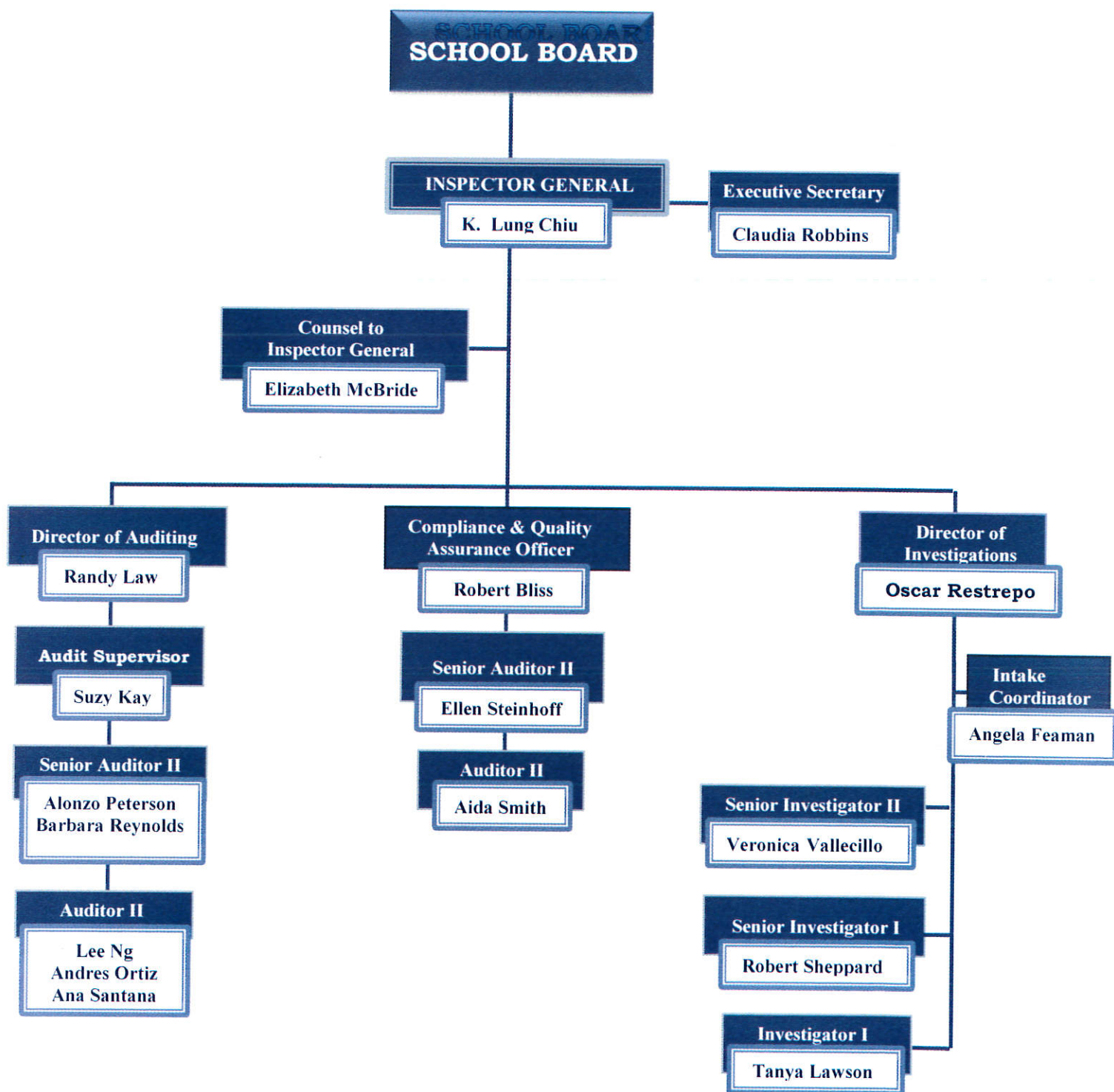
July 1, 2016 – June 30, 2017

www.palmbeachschools.org/inspectorgeneral/



K. Lung Chiu, CPA, CIG
Inspector General

A – OIG ORGANIZATIONAL CHART



2018 ANNUAL REPORT OFFICE OF INSPECTOR GENERAL

www.palmbeachschools.org/inspectorgeneral/

OCTOBER 2018



K. Lung Chiu, CPA, CIG
Inspector General

R- COMP EXH 3

- Audit Committee Minutes of April 29, 2016
(4 pages)
- Audit Committee Minutes of May 19, 2016,
including Peer Review Comments and Action Plan
(6 pages)
- April 29, 2016 Audit Committee Meeting Report to
School Board on May 11, 2016
(5 pages)

AUDIT COMMITTEE MEETING MINUTES

April 29, 2016 9:00 – 10:30 A.M.

Board Room

Members:

Noah Silver, Chair
David Talley, Vice Chair
Ron Bennett (absent)
Michael Dixon (absent)
LaTanzia Jackson
Richard Roberts
William Thrasher

Inspector General Staff:

Lung Chiu, Inspector General
Randy Law, Director of Audit
Joni Loehrig, Director of Investigations
Elizabeth McBride, Attorney for IG
Jennifer Zapata, Senior Auditor/Investigator

Regular Attendees:

Frank Barbieri, Esq., School Board Vice-Chair
Blair Littlejohn, Deputy General Counsel
Mike Burke, COO (Superintendent's Designee)
Nancy Samuels, Director, Accounting Services
Kathryn Gundlach, President, CTA

Other District Staff:

Kara Robinson, General Manager, IT Solutions
Michelle Ciano, Specialist, Afterschool Programming
MarySue Bean, Analyst, Accounting Services

Chair Noah Silver, called the meeting to order.

1. **Approval of Agenda** – The agenda was unanimously approved.

Motioned by David Talley, and seconded by LaTanzia Jackson, the motion to accept the agenda was unanimously approved. (5-0)

2. **Approval of Minutes**

Motion by Richard Roberts, and seconded by William Thrasher, the Minutes of the February 16, 2016 Meeting was unanimously approved (5-0).

3. **Public Comments** – No public comments.

4. Peer Review Reports

Bill Thrasher congratulated the Inspector General as well as his staff.

The Peer Review assessed the work of the Audit and Investigations Sections for compliance with the AIG Principles and Standards for Offices of Inspector General, and the Government Auditing Standards issued by the U.S. Government Accountability Office (GAO). These standards are consistent with the qualitative standards used by OIG during the period reviewed.

The Team found no reportable instances of noncompliance with these standards. It is the unanimous conclusion of the Team that OIG's Audit and Investigation sections met all relevant AIG and GAO Standards for the period reviewed.

The Team has high regard for the Audit Section and gave credits to OIG's attempt to get the accreditation for the Florida Commission for Law Enforcement, and working with other local OIG's. Other comments from the Team regarding investigation section included:

- Use sworn statements or notarize witness statements
- Include names in investigative reports
- Produce reports in varying formats
- Re-initiate case meetings and discussions with Office of Professional Standards and School Police.
- Continue its internal and external staff training programs, with specific focus on enhancing the skills of its investigative section.
- Participate in Principal training and New Employee orientation.
- Create on-line awareness activities.
- Issue more IG Advisories.
- Work with HR to examine job descriptions; separate job descriptions for Auditors and Investigators.
- Request HR to conduct salary survey for OIG staff

Staff will bring to Audit Committee any necessary changes and action plans to make the OIG more efficient, productive, and competitive.

Motioned by Richard Roberts and seconded by Dave Talley, the motion to accept the Peer Review Reports was unanimously approved. (5-0)

Chair Silver requested the Action Plan be brought back to the Audit Committee.

5. **Policy 1.09 Advisory Committees review**

Motioned by Bill Thrasher, and seconded by Richard Roberts, the motion to accept Legal Department's revised **Policy 1.09** was unanimously approved. (5-0)

6. **Draft Reports**

Review of Money Collection Records at Pierce Hammock Elementary

Major conclusions:

- Several *Drop-safe Log* pages were missing,
- \$3,500 was missing
- Some pages of Money Collection Reports were removed

Motioned by Dave Talley, and seconded by LaTanzia Jackson, the motion to accept was unanimously approved. (5-0)

Special Review of Rolling Green Elementary

This report presented the following conclusions:

1. \$340.06 Unaccounted for
2. Three collections totaling \$16,005 were not recorded on the *Drop-safe Log* or placed in the drop-safe.
3. *Section 2* of the *Drop-safe Log* was only initialed by the treasurer. It appeared that the treasurer was removing monies from the drop-safe without being accompanied and verified by a second staff member.
4. The school's 2014-2015 *Checkout Procedures* instructed staff to turn-in all yellow copies of MCRs to the treasurer instead of the school secretary for filing and future references.

Motioned by Dave Talley, and seconded by LaTanzia Jackson, the motion to accept was unanimously approved. (5-0)

2015 Internal Funds Audit Management Letter

Findings are similar to prior years'. Conclusions:

- 17 schools had no findings
- Most finding were identified in the areas of:
 - Fundraisers not adequately documented
 - Inadequate support for disbursement
 - Drop Safe Log not used completely
 - Periodic Inventory not performed for prenumbered documents
 - Lease agreement not adequately maintained

Audit Committee Meeting Minutes

April 29, 2016

Page 4 of 4

- Findings included:
 - Disbursements not properly documented or approved
 - Vendors allowed on campus without *Consultant Contract*
 - Inadequate fundraising documentation
 - Cash collection and deposit procedures
 - Monies not deposited timely
 - Monies collected with inadequate documentation
 - Lease Agreement* not properly signed
 - Late payments from leases
 - Inadequate proof of Insurance
 - Staff performed incompatible duties
- IG will meet with leadership to go over critical findings
 - IG will work with schools with critical findings
 - Training program for bookkeepers will be developed with input from Accounting and Professional Development

Adjournment: 10:40 a.m.

The next Audit Committee Meeting is scheduled for Thursday, June 23, 2016, from 9:00 am– 10:30 am in the Board Room.

AUDIT COMMITTEE MEETING MINUTES

May 19, 2016 9:00 – 10:30 A.M.

Board Room

Members:

Noah Silver, Chair
David Talley, Vice Chair
Ron Bennett
Michael Dixon (absent)
LaTanzia Jackson
Richard Roberts
William Thrasher

Inspector General Staff:

Lung Chiu, Inspector General
Randy Law, Director of Audit
Elizabeth McBride, Attorney for IG
Susy Kay, Audit Supervisor
Claudia Robbins, Executive Secretary

Regular Attendees:

Frank Barbieri, Esq., School Board Vice-Chair
Blair Littlejohn, Deputy General Counsel
Mike Burke, COO (Superintendent's Designee)
Nancy Samuels, Director, Accounting Services
Maureen Werner, Principal Representative

Other District Staff:

Bobbi Moretto, Principal Representative
Michelle Ciancio, Specialist, Afterschool Programming
MarySue Bean, Analyst, Accounting Services

Other:

Margo Lind, Audit Manager, RSM

Chair Noah Silver, called the meeting to order.

1. **Approval of Agenda** – The agenda was unanimously approved.

Motioned by Richard Roberts and seconded by LaTanzia Jackson, the motion to accept the agenda was unanimously approved. (6-0)

2. **Approval of Minutes**

Motioned by Ron Bennett, and seconded by Richard Roberts, the Minutes of the April 29, 2016 Meeting was unanimously approved (6-0).

3. **Public Comments** – No public comments.

4. Use of Credit Cards in Schools Update on Reducing Cash

- The District first started accepting credit card for payments in FY 2008-09. During the first full year, \$8 million of credit card payments were accepted
- Total payments increased from \$13.4 million in 2013-14 to \$16 million in 2014-15
- Through April 2016, \$9.7 million was collected for internal accounts, \$4.9 million for meal payments, and \$741,000 for summer camp. These collections total \$15.3 million, not including collections in May and June 2016
- As of April 2016, credit card payments for Internal Fund accounted for 13.82% of the payments, up from 8.02% in 2012.

Regarding collection services:

- The Treasury Department fully implemented a NSF Collection Service for all locations during 2015
- All schools and departments are now accepting checks
- No cost to the District or the schools
- This should help reduce cash and increase checks
- The School District will continue to look for opportunities to increase collections from credit cards
- After School Programming is a good possibility
- The School District will target certain programs to increase credit card usage at specific schools

The Audit Committee asked staff to consider accepting credit card payments for attending activities such as football games. That will further reduce the use of cash.

5. OIG's Action Plan in response to the Peer's Comments

- Although the Peer Team's comments are optional for OIG to consider, these comments are constructive, and OIG agreed to implement most of them.
- After much discussion, the Audit Committee accepted the proposed Action Plan and recommended that the plan be submitted to the School Board as required by School Board Policy 1.092.7.
- As recommended by the Peer Team for more communication, the IG will meet with leadership to go over critical findings of Internal Fund Audits
- IG will work with the schools with critical findings

Audit Committee Meeting Minutes

May 19, 2016

Page 3 of 3

- Additional training program for bookkeepers may be developed, with input from Accounting and Professional Development

6. Draft Reports

OIG Procedure Manual for Audit functions will be reviewed by the Audit Committee at a future meeting.

Motioned by LaTanzia Jackson, and seconded by Dave Talley, the motion to postpone was approved unanimously (6-0).

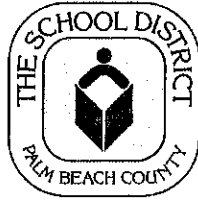
Adjournment: 10:40 a.m.

The next Audit Committee Meeting is scheduled for Thursday, June 23, 2016, from 9:00 am– 10:30 am in the Board Room.

7
O

O

O

**Agenda Item Details**

Meeting May 19, 2016 - Audit Committee Meeting 9:00 - 10:30 A.M.

Category 7. Action Plan

Subject 7.01 Peer Review Comments and Action Plans

Type

DESCRIPTION:CONTACT:

AIG PEER REVIEW MANAGEMENT LETTER AND EXIT CONFERENCE NOTES.pdf (196 KB)

AIG PEER REVIEW - MANAGEMENT LETTER (April 12, 2016)

	COMMENTS	OIG ACTION TO BE TAKEN
AREAS OF DISTINCTION	<ol style="list-style-type: none"> 1. Audit Division: production level, work paper quality, and audit report quality. 2. In-house legal counsel: assist with investigations; coordinate with stakeholders; and ensure compliance with law, regulation, policies and professional standards. 3. OIG Policy and Procedures Manual (Updating Required) 4. Proposed hiring of administrative support or an entry-level investigator 5. Work with other local inspector generals to research and identify case management and electronic work paper software systems 	<ol style="list-style-type: none"> 1. Audit Division: <ol style="list-style-type: none"> a) Continue to provide for and maintain the continuous productivity of the Audit Division. b) Review the Audit Work Plan development process so that it will be practical and reasonable. 2. Counsel: will continue, and expand role, in these areas. 3. OIG Policy & Procedures Manual: <ol style="list-style-type: none"> a) Audit portion of the revised manual will be presented to Audit Committee at its May 2016 Meeting. b) Investigations section of the revised manual will be presented at the June 2016 Audit Committee meeting. 4. Administrative Support: Proposal has been made for upcoming budget year. 5. Work with other local inspector generals: IG to continue to meet and work with local inspector generals.
AREAS OF CONSIDERATION	<ol style="list-style-type: none"> 1. <u>Stakeholders Relationships</u> <ul style="list-style-type: none"> • Most stakeholders complimentary for professionalism and work products • Some stakeholders desire to enhance their working relationship with OIG through greater communication: <ul style="list-style-type: none"> ◦ More frequent case meetings and discussions recommended ◦ Improve flow and format of OIG final report referrals to stakeholder offices ◦ Recommended OIG notarize interview notes for investigative cases 2. <u>Training</u>: OIG research additional training opportunities including working with state and other local inspectors general to leverage training resources; identify and provide additional training in areas of investigative functions, including interviewing skills. 3. <u>Investigative Reports</u>: <ul style="list-style-type: none"> • OIG reconsider excluding employee names from investigative reports, as stakeholders believe the reports have greater utility if names are included. • Vary format for investigative reports based upon issue being addressed, as the scope and nature of some investigative matters may be better suited for a letter or narrative format. 4. <u>Outreach and Prevention</u>: <ul style="list-style-type: none"> • Misperception among stakeholders about OIG's role and authority, leading to stakeholders concerns that OIG simply duplicates functions of other offices. <ul style="list-style-type: none"> ◦ Recommend OIG consider instituting an outreach and education campaign consisting of: <ul style="list-style-type: none"> ▪ Publication of more IG Advisories or other publication ▪ Working with employees and departments in preventive role ▪ Conducting education sessions with district departments to explain duties and authority of OIG, to put a face on the OIG, and to market hotline and other services. ▪ Provide anti-fraud, waste and abuse awareness or other relevant training for district employees. 5. <u>Competitiveness of Staff Pay</u>: <ul style="list-style-type: none"> • Fair amount of staff turnover recently due to staff leaving for higher wages, so the OIG pay scale may not be competitive with other local OIGs • Recommends salary survey be conducted of other OIG offices in South Florida 	<ol style="list-style-type: none"> 1. <u>Stakeholders Relationships</u> <ul style="list-style-type: none"> • OIG has/will re-initiate case meetings and discussions with stakeholders in OPS and School Police. • OIG will continue its working relationship with School Police Detective assigned to work with the unit on possible criminal matters. • IG to establish meetings with Chiefs of HR and School Police on a monthly basis. • OIG will work with OPS to improve the flow and format of its reports 2. <u>Training</u>: <ul style="list-style-type: none"> • OIG will continue its internal and external staff training programs, with specific focus on enhancing the skills of its investigative unit. See attached OIG Training Plan. 3. <u>Investigative Reports</u>: <ul style="list-style-type: none"> • OIG agrees with recommendations and will implement them. 4. <u>Outreach and Prevention</u>: <ul style="list-style-type: none"> • OIG will increase its IG Advisories to 3-4 times a year. • OIG will seek to participate in annual Principal training, etc. • OIG will create some on-line awareness activities as Ask the Auditor; Preventing Fraud; and • OIG will explore with HR what information can be added to its new employee orientation program. 5. <u>Competitiveness of Staff Pay</u>: <ul style="list-style-type: none"> • Will work with HR to examine job descriptions, equitable pay, etc.

AIG PEER REVIEW – MARCH 16, 2016 EXIT CONFERENCE - ADDITIONAL COMMENTS NOT INCLUDED IN MANAGEMENT LETTER		
AREA	COMMENTS	OIG ACTION TO BE TAKEN
AUDIT	<ol style="list-style-type: none"> 1. A "great job" - keep it up! 2. Timeliness of audits (attributed to extensive reviews and school internal audits taking a lot of time) 3. Audit Work plan appears to be optimistic sometimes (budget, number of projects, etc.) <ol style="list-style-type: none"> a) Shows staff dedication and work product is excellent; well documented; sufficient documentary review b) Consider outsourcing school audits with little and no findings 	Information is shared with OIG staff.
INVESTIGATIONS	<ol style="list-style-type: none"> 1. Let investigative staff present their reports and answer any related questions. 2. INDEPENDENCE STATEMENTS: Complete prior to commencing the investigation 3. INVESTIGATIVE REPORTS: <ol style="list-style-type: none"> a) Case log for every report to track and log all activities associated with an investigation 4. CONTENT OF INVESTIGATIVE REPORTS: <ol style="list-style-type: none"> a) Write allegations in "active" not passive voice b) Add all relevant case events into final report c) Add more exhibits to final report (i.e., documentary evidence) 5. CROSS REFERENCING for INVESTIGATIVE CASES: May not be necessary unless an extensive, voluminous investigation. 	<ol style="list-style-type: none"> 1. Concur, as consistent with request of Audit Committee. 2. INDEPENDENCE STATEMENTS: Director of Investigation is to ensure the statements are completed prior to the investigation. 3. INVESTIGATIVE REPORTS: Concur, recommended change to be incorporated into investigative reports. 4. CONTENT OF INVESTIGATIVE REPORTS: Concur, recommended changes to be incorporated into investigative reports. 5. CROSS REFERENCING for INVESTIGATIVE CASES: OIG will reconsider and establish another method for verification.
OIG MARKETING	<ol style="list-style-type: none"> 1. ANNUAL REPORT: Include work performed in more categories as audits, investigations, inspections, evaluations, contract oversight/monitoring, etc. 	OIG will continue to enhance its reporting of office activities in its semi-annual and annual reports.
EDUCATIONAL OUTREACH and TRAINING	<ol style="list-style-type: none"> 1. Mission of office (Establish) 	OIG will complete.
DISTRICT RISK ASSESSMENT	Conduct a district-wide fraud/risk assessment and issue as a separate report.	Will incorporate in 2017 Work Plan
STAKEHOLDERS CONCERNS	Follow-up on referrals to OPS and School Police, and other units: Request the unit to provide a response for their planned actions upon receipt of referrals; recommend developing a simplified response document that the units could use.	A method to track referrals and a simplified response document to be created.
CPE's of Staff	For tracking of CPE's continue to include the staff's certifications, but also include the CPE requirements needed to maintain each certification	OIG will include all certifications.

**Agenda Item Details**

Meeting May 11, 2016 - 1. REGULAR BOARD MEETING at 5 p.m. in the Board Room

Category 11. Committee Reports

Subject Audit Committee

Type

Mr. Noah Silver will give the Audit Committee Report.

Audit Committee Report.pdf (123 KB)

Audit Committee Report for April 29, 2016 Meeting

Peer Review

A Peer Review Team of three persons from the Association of Inspectors General (AIG) conducted the Peer Review of the Office of Inspector General (OIG) during the week of March 13, 2016. This 3 person-team included:

- The Deputy Director, Audit, Oversight & Investigations for the Commonwealth of Massachusetts, OIG
- IG Audit Manager for Polk County Clerk of the Circuit Court, OIG and
- Investigations Coordinator for the Florida Department of Juvenile Justice OIG.

The Peer Review assessed the work of the Audit and Investigations Sections for compliance with the AIG Principles and Standards for Offices of Inspector General, and the Government Auditing Standards issued by the U.S. Government Accountability Office (GAO). These standards are consistent with the qualitative standards used by OIG during the period reviewed.

The team found no reportable instances of noncompliance with these standards. It is the unanimous conclusion of the Team that OIG's Audit and Investigation sections met all relevant AIG and GAO Standards for the period reviewed.

The Team has high regard for the Audit Section and gave credits to OIG's attempt to get the accreditation for the Florida Commission for Law Enforcement, and working with other local OIG's. Other comments from the Team regarding investigation section included:

- Use sworn statements or use notarized witness statements
- Include names in investigative reports

- Produce reports in varying formats
- Re-initiate case meetings and discussions with Office of Professional Standards and School Police.
- Continue its internal and external staff training programs, with specific focus on enhancing the skills of its investigative section.
- Participate in annual Principal training and New Employee orientation.
- Create on-line awareness activities.
- Issue more IG Advisories.
- Work with HR to examine job descriptions; separate job descriptions for Auditors and Investigators.
- Request HR to conduct salary survey for OIG staff

Staff will bring to Audit Committee any necessary changes and action plans to make the OIG more efficient, productive, and competitive.

Chair Silver requested the Action Plan be brought back to the Audit Committee.

Draft Report: Review of Money Collection Records at Pierce Hammock Elementary

Major conclusions:

- Several *Drop-safe Log* pages were missing,
- \$3,500 was missing
- Some pages of Money Collection Reports were removed

Draft Report: Special Review of Rolling Green Elementary

- \$340 missing
- Three collections totaling \$16,005 were not recorded on the *Drop-safe Log* or placed in the drop-safe.
- The treasurer removed monies from the drop-safe without being accompanied and verified by a second staff member.

2015 Internal Funds Audit Management Letter

Findings are similar to prior years'. Conclusions:

- 17 schools had no findings
- Most finding were identified in the areas of:
 - Fundraisers not adequately documented
 - Inadequate support for disbursement
 - Drop Safe Log not used completely
 - Periodic Inventory not performed for prenumbered documents
 - Lease agreement not adequately maintained
- Findings included:
 - Disbursements not properly documented or approved
 - Vendors allowed on campus without *Consultant Contract*
 - Inadequate fundraising documentation
 - Cash collection and deposit procedures
 - Monies not deposited timely
 - Monies collected with inadequate documentation
 - Lease Agreement* not properly signed
 - Late payments from leases
 - Inadequate proof of Insurance
 - Staff performed incompatible duties
- IG will meet with leadership to go over critical findings
 - IG will work with schools with critical findings
 - Training program for bookkeepers will be developed with input from Accounting and Professional Development

R- EXH 4

June 18, 2018 email from Attorney Lisa Kohring
to Elizabeth McBride re Your Complaints of
Discrimination



Elizabeth McBride <elizabeth.mcbride@palmbeachschools.org>

Your Complaints of Discrimination

2 messages

Lisa Kohring <lisa.kohring@palmbeachschools.org>

Mon, Jun 18, 2018 at 9:00 AM

To: Elizabeth McBride <elizabeth.mcbride@palmbeachschools.org>, ANA JORDAN <ana.jordan@palmbeachschools.org>

Cc: Lisa Kohring <lisa.kohring@palmbeachschools.org>

Good Morning Liz:

I hope you had a nice weekend.

Last week, during our call to set up our meeting and during our meeting re: Green, you stated that, you, yourself, have been subjected to a few different acts of discrimination although you didn't mention any specific time period it appeared that you were referencing alleged discrimination when you were an employee of the District in the Office of the General Counsel and also currently as the counsel for the IG.

One complaint that you mentioned was that you allege you were subjected to discrimination by "my department." I don't really know what this means, but I do want to dig a little deeper to get more information so I know how to handle your complaints.

During our meeting you mentioned that you believe you were subjected to discrimination in connection with an "across the board bonus;" you said the example was one of alleged pay discrimination. You were unsure of the example and said you needed to look at a document and get back to me to complete the example. We didn't talk about the time period in which the alleged discrimination occurred and I didn't get any more detail from you. Please get back to me about this example and the time period in which you allege this discrimination occurred, so we can investigate the complaint.

You also mentioned an alleged incident of discrimination towards you that included employees with the last names, Wilson and Johnson. I've only been with the District for 11 months and I don't know who these employees are, so I need a little more information from you. You did mention that it had to do with a raise and that you didn't know if you didn't get the raise "immediately" because of gender, or race or "because he didn't like me", but you did state that you eventually received the raise. When I asked you if there was a male comparator who received the raise "immediately", you said you didn't know and that you didn't look into it at the time.

You also stated that you believe that Mr. Chiu treats you differently because you are a woman; you said sometimes he is "dismissive" and you believe the alleged conduct is because of his Asian culture and because you are a female. When I asked if you could provide any examples of Mr. Chiu treating you differently because you are female, in the past or at least in the last six months, you said you could not remember any instances, but that I should not compare you to Angelette because, among other things, you are vocal and tell Mr. Chiu when his behavior is wrong and that you can "take care of [yourself]". I want to make sure that we investigate any discrimination that you claim you have been subjected to and that if any discrimination is occurring, that it stops. But I need more information from you to determine whether an investigation needs to be done and who should conduct the investigation.

Please let me know the information I am requesting so we can determine how to move forward.

Thank you
Lisa

--
Lisa Kohring
Senior Attorney
Office of General Counsel
3320 Forest Hill Blvd., Suite C-331
West Palm Beach, FL 33406

PX. 46814
561-649-6814

Elizabeth McBride <elizabeth.mcbride@palmbeachschools.org>

Mon, Jun 18, 2018 at 9:56 AM

5/10/2019

School District of Palm Beach County Mail - Your Complaints of Discrimination

To: Lisa Kohring <lisa.kohring@palmbeachschools.org>
Cc: ANA JORDAN <ana.jordan@palmbeachschools.org>

Lisa, I do not wish for you to handle any complaint that I may have and do not expect you to do so.

I did not call anyone with the name of Wilson,. So, I am not certain what matter you may be referring to and would need to have more information. I did tell you I spoke with Dr. Johnson.

I did not say that " Mr. Chiu treats me differently because I am a woman." I said Mr. Chiu treats me differently because of the work I do for him, that is what it means when I said " I help carry his water". I did not tell you I should not compare myself to Angelette. I said you should not try to compare me to the other women in the office --- meaning women who are below the position of a director or are not supervisory employees in the office.

Again, you do not need to investigate any complaint I may have or to determine who should investigate it. Thank you, but no thank you. I can handle it.

[Quoted text hidden]

--

Elizabeth Threatt McBride, Esq.
Office of Inspector General
School Board of Palm Beach County
3300 Forest Hill Boulevard, Suite C316
West Palm Beach, Florida 33406
Office (561) 434-7335
Direct Line (561) 357-7673